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THE MINING CODE

OF THE

REPUBLIC OF MEXICO.

RICHARD E. CHISM,

MINING ENGINEER,

(Member of the American Institute of Mining Engineers,)

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Mexico. Laws, statutes, etc. Codes, Mining

THE MINING CODE

OF THE

REPUBLIC OF MEXICO.

WITH THE

REGULATIONS FOR THE ORGANIZATION OF THE MINING DEPUTATIONS AND
THE SCHEDULE FOR THE LEVYING OF FEES AND DUES, WITH ALL THE
LATEST OFFICIAL CIRCULARS AND DECISIONS OF THE MINING SEC-
TION OF THE MINISTRY OF PUBLIC WORKS AND WITH THE
LAWS OF JUNE 6TH, 1887, UPON THE TAXATION OF
MINES AND THEIR PRODUCTS, THE CONCESSION OF
MINING TERRITORY AND THE PURCHASE OF A
PROCESS FOR THE TREATMENT OF ORES.

Translated from the Official Editions in the Original Spanish.

BY

RICHARD E. CHISM,
MINING ENGINEER,

MEMBER OF THE AMERICAN INSTITUTE OF MINING ENGINEERS.

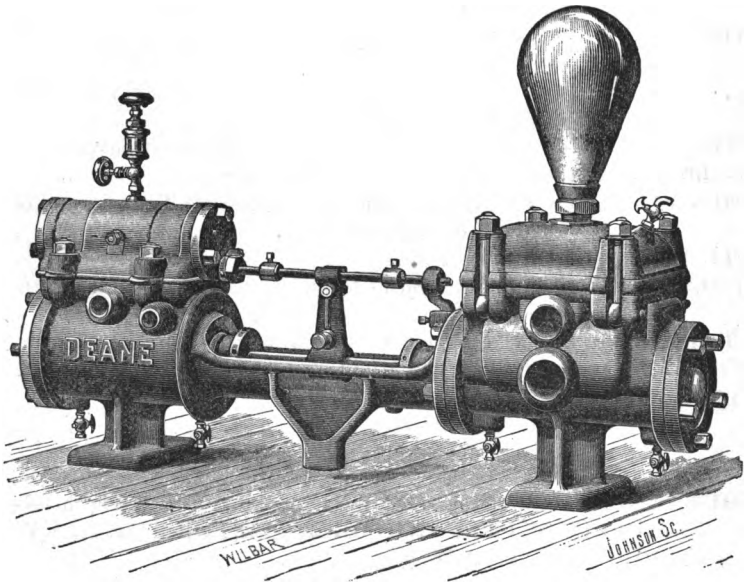
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THE MINING CODE.

MINISTRY OF STATE AND OF THE DISPATCH OF PUBLIC WORKS,
COLONIZATION, INDUSTRY AND COMMERCE
OF THE MEXICAN REPUBLIC. }

SECTION FOURTH.

The President of the Republic has been pleased to direct to me the following decree:

MANUEL GONZALEZ, Constitutional President of the United States of Mexico, to all those to whom these presents may come.

KNOW YE,

That, using the authority conceded to the Executive by the law of 15th of December, 1883, I have found it good to establish the following Code of Mines of the United States of Mexico.

TITLE I.—Of Mines and Mining Property.

ART. 1st.—Subject to this code are:

I. Mines and deposits of all those inorganic substances, as gold, silver, copper, iron, manganese, lead, mercury, tin, antimony, zinc, sulphur, rock-salt, and all analogous substances, whose utilization necessitates mining work, and which, in beds, veins, or in masses of any form, constitute deposits whose composition is distinct from that of the rocks in place.

II. Placers of gold and of platinum with their accompanying metals, and of the precious stones used in jewelry.

III. Metallurgical works and sites for their erection, including under the first designation all industrial establishments of mining in which by any kind of process are extracted some of the substances contained in the materials obtained from the mines or placers referred to in the two foregoing sections of this article.

IV. The waters extracted from the mines and those that may be needed for drinking by workmen and animals, for motive power or for any other use in mines or metallurgical works.

ART. 2d.—The mines and placers treated of in the preceeding article form a real property, distinct from that of the ground in which or below

whose surface they are found, even though both should come to belong to the same owner.

ART. 3d.—The ownership of the mines, placers, metallurgical works and waters referred to in article first, shall be acquired by virtue of discovery and denouncement, by means of a concession made by the proper authorities, according to the rules and under the conditions which are hereafter laid down in this present code.*

ART. 4th.—The law concedes to private persons, according to the preceding article, the ownership of mines for an unlimited time under the condition of working and developing the same according to the precepts of this code and to the regulations which will be laid down for the execution thereof, for the purpose of providing for the preservation of the mines and the security of the workmen.

ART. 5th.—All persons who can legally acquire real estate in the Republic of Mexico may acquire the mines, placers, metallurgical works and waters comprehended under the first article.

ART. 6th.—Foreigners can acquire mining property on the same terms and with the restrictions with which the laws of the Republic consider them capable of acquiring, possessing and transferring common property; submitting themselves, like Mexicans, to the prescriptions of this law and to any others which may be made relating to the industry of mining.

ART. 7th.—The mining property acquired according to this code can be transferred freely, like any other real property, with subjection to the prescriptions of the laws in force relative thereto.

ART. 8th.—Mining property shall not lapse except in the cases expressly determined in this code.

ART. 9th.—The title to the ownership of the property referred to in the four sections of the first article, shall be a transcript of the proceedings of record as to the denouncement and of the act of possession, which shall be given by the authorities or functionaries in the manner established in this code.

ART. 10th.—The owner of the soil shall have exclusive property in and may by this right, exploit and utilize, without necessity of denouncement or of special adjudications:

* To denounce, in the Mining Code of Mexico, means that proceeding by which a legal right of possession is obtained to a particular portion of any vein, worked or unworked, known or unknown, which a miner chooses to select for his operations. [H. G. Ward, 1828.] This word has no equivalent in English, but is used in its Anglicized form by all English-speaking foreigners who are in the mining business in Mexico.—*Trans.*

I. Deposits of the various varieties of mineral coal.

II. Rocks in place and materials of the soil, such as limestones, slates, porphyries, basalts, building stones, earths, clays, sands and other analogous substances.

III. Substances not specified in section II. of the first article which may be encountered in placers, such as iron, tin, and other derived minerals.

IV. Salts existing on the surface, pure or salt waters, either superficial or subterranean, petroleum and outlets of gas or of warm or medicinal waters.

In the exploitation of all these substances the owner of the soil shall, nevertheless, be subject in his workings to the rules and regulations of the police; and the winning of mineral coal and of other substances which require the opening of excavations is subject to the provisions of this code relating to the preservation of the mines and to the security of the workmen.

ART. 11th.—The exploitation of mines and placers, the establishment and working of metallurgical plants, and the utilization of waters, all of which form the objects of the present law, according to Article 1st, are hereby declared to be of public utility.

ART. 12th.—Mining claims and sites for metallurgical works can be denounced and acquired in any part of the Republic, whether in vacant lands or in those of public or private property, indemnification being first made, in the last two cases, for the surface occupied.

ART. 13th.—The possession and property acquired in mines is to be understood to be only as relates to all that may be beneath the surface and not to be that of the surface itself. The latter continues under the dominion of its owner, except as to the part which the miner may occupy according to the two preceding articles.

ART. 14th.—Whenever the existence of a mine or deposit shall be recognized, the lands, even if of private property, become subject to be occupied by the miner or metallurgist in all the extension necessary for the opening of mine-entrances or for the construction of edifices, habitations, warehouses, metallurgical works, washers, dams, aqueducts and roads, after indemnification, according to valuation by experts, for the surface occupied or for the right of use which may be acquired in other property.

ART. 15th.—All the superficial area comprehended within the limits of the claims of mines and placers, and also the areas adjoining, shall be subject to a right of way for workmen, carts and animals necessary to the exploitation, and to the right of use of the waters which may

exist in them or pass through them for drinking of said persons and animals. In said areas there may also be built all works for providing the water necessary for the working of machinery or for any other necessary use in mines or metallurgical works. The rights of use, to which this article refers, shall be established only after the proper indemnification.

ART. 16th.—The roads that are opened for any mine may be used by any other mines situated in the same mineral district, but in this case the cost of conservation shall be divided among the mines that use said roads according to agreement, or in default thereof according to the use that is made of them.

ART. 17th.—The waters proceeding from the underground workings of mines belong to the owners of the mines as long as they preserve the property; the provisions of the laws in force are to be observed in relation to the rights of the proprietors of the lands over which said waters may be discharged.

TITLE II.—Of the Authorities that are to Intervene in and Take Cognizance of the Mining Business.

ART. 18th.—The industry of mining, in respect to its government and economy, shall be dependent on the Ministry of Public Works (*Fomento*), and upon the functionaries and authorities made subordinate thereto by the present law. In cases of contention the cognizance of mining business pertains to the proper judges and tribunals of each locality.

ART. 19th.—There shall be established in the capital of the Republic a Corps of Engineers and Miners which shall be immediately subordinate to the Ministry of Public Works, and which shall be composed of three graduated experts and of three owners of mines, and which shall have the character of an Advisory Council for the Encouragement of Mining.

ART. 20th.—The Corps of Engineers and Miners mentioned in the preceding article will consider all the scientific, economical or administrative questions which may be submitted or proposed to it by the Secretary of Public Works, and will promote everything that pertains to the improvement and advancement of the industry.

ART. 21st.—In all mining districts where it may be possible, and where the Minister of Public Works may deem it necessary, there shall be established Mining Deputations, which shall exercise all the govern-

mental and economic functions that are assigned to them by this Code.

ART. 22d.—The Mining Deputations shall be dependent to the Ministry of Public Works, and directly subject to the same.

ART. 23d.—In those districts in which Mining Deputations cannot be established their functions shall be discharged by the local executive authority, which shall be, in their exercise, subordinate to the Ministry of Public Works.

ART. 24th.—The organization, plan, and payment of the Corps of Engineers and Miners shall be subject to regulations which the Executive will form.

ART. 25th.—The Executive will, in the same manner, regulate the Mining Deputations, in all that relates to their formation by election from the body of miners of each district, to the number of their members and to their periodical renewal, to the fees which they may charge for the judicial proceedings they may authorize or practice, and to the remuneration and obligations of their Secretary.

ART. 26th.—In the mining districts, the importance of which makes it necessary, there shall be a graduated expert attached to the Local Deputation to act as its adviser or counsellor, who shall be obliged to do all work which the Deputation may charge him with, for the salary or fees that are fixed by the regulations and schedule.

ART. 27th.—The Ministry of Public Works shall appoint as many mining engineers as may be necessary inspectors, who shall be obliged to visit the mining districts, to make reports, study, prospect, and to carry on any work of which the Ministry may give them charge.

ART. 28th.—Under the direction of the Ministry of Public Works the Mining Deputations shall occupy themselves in collecting and remitting all useful and pertinent data for the formation of the Statistics of Mining.

ART. 29th.—In accordance with the provisions of this title a separate section of the Ministry of Public Works shall have charge of everything that relates to the industry of mining.

TITLE III.—Of Explorations for the Discovery of Mines.

ART. 30th.—Every inhabitant of the Republic, whether native or foreign, may undertake and carry out freely, in all lands not private property, works of exploration for the discovery of mines and deposits of such substances as are the objects of the present law.

The exploration workings may be excavations, whose depth or diameter shall not be more than five meters, of borings made by drills to any depth.

ART. 31st.—If the property or lands should belong to private parties, and if the owner thereof or his administrator or the person in charge should object to the opening of such exploration workings as are referred to in the preceding article, they cannot be carried on except by the special permission of the executive authority of the place, and with the limitations and requisites which are prescribed in the following articles.

ART. 32d.—If the lands in which it is desired to explore be neither fenced nor cultivated, the authority just referred to, after due hearing given to the owner of the land or to the person in charge thereof, shall extend a permit to carry on the work of exploring in the manner set forth in article 30th, always provided that the explorer shall give a bond, which shall be sufficient, in the opinion of the authority referred to, to respond for all damages which he may cause to the owner of the land by his explorations.

ART. 33d.—If the exploration is to be made in fenced or cultivated lands, the executive authority (after a verbal hearing of the interested parties, and after a report upon the advisability of the exploration and as to the damages it may cause, shall have been made by an expert appointed by said authority at the expense of the explorer) shall deny or concede the permit. In the latter case the petitioner shall give a bond in the same terms and for the same object as expressed in the latter part of the preceding article.

ART. 34th.—The explorer must give the bond spoken of in the two preceding articles for the sum of money which the executive authority of the place may determine and within the unprorogable term of ten days, at the conclusion of which his rights expire.

ART. 35th.—After the proper bond has been made the authority shall extend in writing the permit referred to in Articles 32 and 33 of this title, which shall clearly designate the site or sites where the explorations are to be made, and the number of persons that may be employed in these, it being understood that the permit is always conceded under the following conditions:

1st. That the time for completing the search shall not exceed one month, counted from the date of the permit.

2d. That in case the search is not made by drills, that neither the depth of the excavations nor the diameter of the prospect-holes shall exceed five meters.

Circular of the Ministry of Public Works, July 23d, 1887.—Whenever a permit is granted to explore for mines, a report must be made to the Ministry of the location so conceded, of the extension thereof, who are the explorers, when the exploration is to commence and when terminate, and also of the result of the exploration.

ART. 36th.—If for justifiable cause the search shall not be finished within the time allowed, the permit may be extended once only, and for one month more, by virtue of a new decree of the authority.

ART. 37th.—During the time that may be employed in going through the formalities prescribed in the preceding articles as necessary, in order that the authorities may grant the permit to explore, during the term conceded for the exploration and for one month after, neither the owner of the land, nor any other person except the explorer, can denounce mines, or deposits of any of the substances coming under the present law, in the place designated for the exploration, or within the distance of three hundred meters in any direction therefrom.

ART. 38th.—For the purpose of guaranteeing the right of which the preceding article treats, and in order that, if there be various denouncements, the first discoverer may have the preference; the authority that has the power to grant the permit for exploration shall advise the local Mining Deputation, or the authority acting in its stead, of the petition presented, and shall designate the place or places chosen by the explorer in which to make his search.

ART. 39th.—The explorer must conclude his work of search within the term of one month, or within the extended term if an extension has been allowed. On the expiration of these terms and of one month more without the explorer having made the formal denouncement, according to the prescriptions of this law, he shall lose the exclusive right to do so which is conceded to him by article 37th, and shall have no preference over other denouncers.

ART. 40th.—Only by consent of the owner shall any work of mining exploration be commenced within an edifice or dwelling house or within its dependencies, as gardens, yards, orchards or stockpens, etc., or at a distance of less than thirty meters from its exterior walls. No appeal can be had from the negative of the owner in the cases of this article.

ART. 41st.—Neither shall works of exploration for the discovery of mines be made in the streets or public squares of towns, nor outside of these at less than thirty meters distance from the exterior lines of roads or canals or of any other structure, such as a house, archway, aqueduct, dam, bridge, etc.

TITLE IV.—Of the Manner of Acquiring Mines, Placers, Abandoned Metallurgical Works, or the Sites to Establish such Works, and Water to Furnish Motive Power for Mines or Metallurgical Works.

ART. 42d.—The ownership of mines and metallurgical works or of sites to establish the latter and of the water, as referred to in this Title, is to be acquired originally by adjudication and in virtue of a denouncement.

ART. 43d.—The denouncement may be made :

1st. Under title of a discovery.

2d. Under title of abandonment.

3d. Under title of the lapse or extinction of the rights of a former owner for contravention of this present law in the cases which it expressly determines.

ART. 44th.—The discovery may be :

1st. Of a new mineral district.

2d. Of a new deposit in a mineral district already known.

3d. Of a new mine in a known deposit in a known mineral district.

ART. 45th.—The discoverer of a new mineral district shall have the right to a concession comprising three claims following each other on the principal vein or deposit and to one more claim on each one of the other veins or deposits which he may also have discovered ; the possession of the latter shall be given to him separately.

In the second case the discoverer shall have a right to two successive claims, and to only one claim in the third case.

ART. 46th.—The claims shall have the area and dimensions which will be prescribed in Title V. of this Code ; and, according to the provisions of Article 106 of that Title, if several claims should be included in the same concession or adjudication, they must be measured in continuation or prolongation, one of the other.

ART. 47th.—For all the effects of the law, as established in Article 45, the restorers of ancient mineral districts, ruined or abandoned, shall be considered as discoverers and shall have the same rights as these ; said districts shall be considered to be such, for the effects of this article, when no work shall have been done in them for one year.

ART. 48th.—If the discovery should be of placers, beds or layers, the discoverer shall have a right to three claims ; those who may denounce after him on the same deposit shall only obtain one claim, all in the form and according to the measurements as detailed in Title V.

ART. 49th.—If, in any of the cases referred to in the preceding articles, the denouncer, discoverer or restorer should be a company, con-

stituted in the manner and form established in Title VIII., it shall only have a right to a concession of four claims with the measurements which are fixed, according to the nature of the deposit, in the proper articles of Title V.

ART. 50th.—A mine shall be considered deserted and abandoned and may be awarded to whoever may denounce it, if for the term of one year preceding the date of the denouncement, or for a lesser time, it shall not have been worked by six miners, employed at some underground work within the limits of the claims acquired under any single concession, for twenty-six weeks, consecutive or interrupted.

A cessation of work at any time anterior to the year preceding the date of the denouncement shall not be taken into consideration.

The denouncement and adjudication of a mine as deserted and abandoned shall be subjected to the formalities prescribed in Articles 61 to 67.

ART. 51st.—In case of calamities or of disturbances of the public order within twenty leagues around the locality of any mines and only for the time during which these circumstances may last, all the mines in general of that particular district may be considered as protected from denouncement without necessity of a special protection or declaration; but if within four months from the date when tranquillity is re-established, which shall be ascertained and published by the local deputation or by the functionary who takes its place, the work be not returned to and recommenced, the mines may be denounced under title of abandonment.

ART. 52d.—Those who for just and grave causes may be compelled to suspend the working of their mines for more than twenty-six weeks may go before the Mining Deputation to solicit the necessary protection (*amparo*), and must explain and prove the motive of their petition.

ART. 53d.—The Mining Deputation, after consideration of the petition and of a report made by an expert or of other proofs, if it should deem them necessary, shall deny the protection, without further appeal, or concede it for a term of at most six months.

ART. 54th.—If the miner should need a special protection (*amparo*) for more than six months, he shall, through the Mining Deputation, solicit it through the Ministry of Public Works, and the latter, in view of the report of the Mining Deputation and of an expert, or of the proofs that may be presented or which it may judge necessary, shall deny the protection without further appeal, or may concede it for a term.

ART. 55th.—While a resolution is being formed as to the protection solicited, the workings of the mine in question must not be suspended,

under penalty of losing it for abandonment according to the provisions of Article 50.

ART. 56th.—The especial protections (*amparo*) conceded by the Mining Deputation or by the Ministry of Public Works are unprorogable, and, whatever may be the cause alleged, no second protection can be conceded to the same mine within the term of three years thereafter.

Circular of the Ministry of Public Works, July 22d, 1886.—Mining Deputations must always inform the Ministry, when they ask for instructions as to any especial protection that may be solicited, whether the mine in question has ever before been protected by the said Deputation.

Circular of the Ministry of Public Works, March 16th, 1887.—The Mining Deputations or their substitutes must give notice to the Public Registry Office of all possessions given of any mine, of all protections conceded to any mine, etc., with the date of its commencement and expiration, and of the date of the abandonment of any mine, metallurgical works or water rights, etc.

ART. 57th.—For the effect of declaring any mine deserted and abandoned, according to Article 50, the miner shall not be considered exempt from the obligation of working the same except during the term of the especial protection; the workings must be recommenced on the day following that on which the protection may have expired.

Circular of the Ministry of Public Works, July 13th, 1886.—The omission to commence work upon any mine as prescribed by Article 57, is not a motive to consider it as abandoned but only that from the date of the expiration of the protection shall be commenced the computation of the period of abandonment designated in Article 50.

ART. 58th.—When a protection is solicited for one or several mines in order to undertake certain works in neighboring mines by means of which the former may be more conveniently worked, the Mining Deputation shall appoint an expert of its confidence who shall, after the necessary examinations, give his opinion upon the utility of the work and upon such other points as he may consider pertinent. The Mining Deputation, in view of the report of the expert, shall deny the protection of this kind or solicited in this form, or shall concede it for the time which the projected work may last, and shall fix the conditions which the work must have or be subject to.

ART. 59th.—The ownership of any mine shall be liable to forfeiture, and it may be awarded to whoever may denounce the same:

I. When for want of fortification or from its bad condition the lives of the workmen shall be in peril, or when any workings, indispensable

for the continuation of the investigation and exploitation of the deposit, such as shafts, winzes, tunnels, main galleries, or stopes, shall be in a ruinous condition.

The ruin of old workings, useless for the exploitation and through which the workmen do not pass, is not a motive for the owner to lose his property, but the Mining Deputations may order their conservation if they should deem it necessary.

II. When the working places are badly ventilated to such an extent that through scarcity of oxygen in the air the health of the miners is injured or the combustion of the lights is made difficult.

III. When for the term of one year preceding the date of the denouncement, or for a lesser time, the taking out of the waters which may impede the workings has been suspended for twenty-six weeks, consecutive or interrupted.

Suspension of drainage in time anterior to the year which precedes the date of the denouncement shall not be taken into consideration.

In case that a mine is denounced as ruinous, or as badly ventilated, or for the suspension or want of drainage, the Mining Deputation or the functionary that takes its place shall take note of the denouncement, and within three days shall have the mine examined by some expert of its confidence, who shall be accompanied by the Secretary and by two witnesses, with citation for this act to the owner of the mine and to the denouncer.

If the denouncement shall be found without cause, it shall be thrown out; in the contrary case, the owner of the mine shall be notified, and shall have a time granted, which shall not be more than six months, to remedy the denounced evil if it shall have been found to exist.

ART. 60th.—If within the time fixed according to the preceding article the infractions or defects shall not have been corrected in the manner prescribed by the Deputation, or if the drainage shall not have been re-established, the mine shall at once, without further proceedings, be adjudged to the denouncer, and he shall be put in possession with the formalities prescribed for said act by the present law; always provided, that the denouncer shall previously give a bond, to the satisfaction of the Mining Deputation, for the cost of establishing the drainage, or of the work which ought to be and is necessary to be done. This he shall commence to execute within one month from the date of his possession, losing his rights in case of failing to do so or of not remedying the denounced evil before six months, counted from the same date.

ART. 61st.—A denouncement shall be made in all cases by means of

a writing, which shall be presented in duplicate to the Mining Deputation of the district, and which shall express under what title it is made of the three laid down in Article 43, and also the name of the denouncer and those of his partners, if he should have any, the place of his birth, his profession or trade and residence, and the most remarkable features of the deposit, mine or site, as denounced, or of which the award is asked. It should conclude by praying that the interested party or parties shall be held to be the denouncers in some one of the three cases as fixed by the said Article 43.

Circular of the Ministry of Public Works, February 16th, 1887.—Only one of the duplicate denouncements provided for by this article need be stamped.

ART. 62d.—If the denouncement should be for abandonment or for forfeiture of title, the writing shall also contain the name of the last possessor, if known, his domicile, the name of the mine, and its location and distinctive signs; also, the names of the adjoining mines and those of their owners, if they are known.

Circular of the Ministry of Public Works, August 13th, 1886.—Two mines located in the same district must not be given the same name, whether they belong to one and the same owner, or to different owners.

Circular of the Ministry of Public Works, October 17th, 1887.—Every two months the Mining Deputations or the equivalent functionaries must make a list of denounceable mines in their districts, designating their exact situation. These lists must be publicly posted like the placards of denouncements.

Circular of December 29th, 1887.—Whenever denouncements of any mine for abandonment or for contravention of this Code are registered the authorities will require that the former name of the mine shall be preserved, or if this is changed for any sufficient motive the denouncement must mention the name or names by which the mine has been formerly known.

ART. 63d.—On presentation of the duplicate writing the Secretary of the Mining Deputation shall note upon both copies the hour and day of the presentation, taking note of these in the registration book which must be kept, and returning one of the two copies to the interested party for his security.

ART. 64th.—The deputation shall pass upon the writing within twenty-four hours, ordering the denouncement to be published on the three following Sundays, by means of placards, which shall be affixed in the accustomed places and by the official newspaper, if there is one, in the seat of the district or in the capital of the State, in order that,

coming to the notice of all, any one who thinks he has a right to oppose it may do so.

ART. 65th.—In the same decree in which the publication of the denouncement is ordered, the denouncer shall be notified that within four months from the date of the denouncement he must have a working opened at the place of the denouncement in which an expert can recognize the peculiarities of the deposit as well as its strike and dip. When the deposit is a vein, said working shall be composed of a shaft and a gallery opened on one of the side walls, each one of which excavations shall have a section of at least one and a half meters of side or diameter and five meters of depth or length. If the deposit should not be a vein, two excavations in distinct directions shall be opened in its mass, each one of which must have at least the dimensions indicated but must always be sufficient to give an idea of the nature and formation of the denounced deposit.

In case that the owner of the soil shall claim, before giving the possession of the mine, the value of the land which the denouncer must necessarily occupy on the surface to open the working for the examination, then the Mining Deputation, or the authority which takes its place, after a report previously made by an expert of its confidence, and after hearing the parties in interest, shall order the denouncer to pay the value of the surface that he may occupy and the damages which may directly be occasioned to the owner of the soil.

ART. 66th.—Immediately that the said workings are opened and without waiting for the completion of the four months from the date of the denouncement, provided that the term of the publications has passed, a scientific expert, or, in the absence of such, a practical one, shall be named, who, after previous examination of the workings prepared, of the material of which the vein or deposit is composed, of its width, hardness, and of the kind of mineral, with its strike and inclination or dip, shall measure and mark on the ground the corresponding claim or claims, marking the angles thereof so that the landmarks may be constructed which are to serve as boundaries. After the conclusion of the measurements and after the report and the plan made by the expert, on which must also be laid down the adjoining mines, shall have been added to the papers of proceedings, the adjudication shall be decreed in favor of the denouncer.

Circular of the Ministry of Public Works, June 17th, 1887.—Whenever the assistance of experts is necessary, graduated experts must always be preferred to practical ones.

ART. 67th.—Within the term of ten days next following, on the day assigned for the giving possession, at the hour which may have been

fixed, one of the Deputies of the district, accompanied by the Secretary and by the expert who made the examination, shall go to the place denounced and shall give to the denouncer or denouncers possession in the name of the law of the mining property as measured and marked.

For this act and for that of measurement the owners or parties in charge of the adjoining mines shall always be summoned, considering as adjoining all those mines that are situated at a distance of 200 meters or less from the one in question; also the former possessor shall be summoned in the case of a mine denounced as abandoned or for infraction of the prescriptions of this code.

ART. 68th.—In the act of possession shall be carefully set down the person or persons who take possession, whether they have been present, or whether they have appeared by attorney, for which shall be sufficient a simple letter of power that must be filed with the other papers of record. It must be also set down what proportions of the parts into which they themselves consider the mine to be virtually divided are represented by each interested party.

Circular of the Ministry of Public Works, December 16th, 1886.—A simple letter of power is not sufficient to enable any person to denounce mines in the name of another. There must be a power in legal form. (Civil Code, art. 2352, section III.) For the taking of possession in the name of another a letter of power is sufficient. (Mining Code, art. 68.)

ART. 69th.—When all this is concluded the papers of proceedings shall be deposited in the archives. There shall be given to each interested party who may request it an official copy in due form, at his expense, for the security of his rights.

ART. 70th.—The same proceedings as established by the preceding articles shall be observed in documents for discovery as they are in the denouncements for abandonment.

ART. 71st.—In denouncements for abandonment the publication shall, however, not be commenced without previously summoning the last possessor, when known; and, after giving him a copy of the denouncement, he shall be heard in a meeting to which the denouncer shall also be summoned.

The Deputation shall determine, in view of what the interested parties may have to say, if they come to the meeting, and of the proofs or information that may be presented, and which may be received within a term of not over ten days, whether or not the denouncement is to be admitted. In the first case the publications shall be made and the denouncement shall be perfected according to the preceding articles; in the second case the mine shall continue in the possession of its former

owner. In case that either one of the parties shall not be satisfied he can present his opposition within the term of eight days.

ART. 72d.—The administrators, dependents or employees, and the workmen of a mine are prohibited from denouncing other mines within a distance of eight hundred meters from that one; they can only do so for the owner of said mine, by virtue of his power of attorney by letter, or if he shall ratify such action during the terms established for the proceedings in denouncement and for the taking of possession.

ART. 73d.—An opposition to any denouncement shall be admissible if founded on the opposer having previously denounced the mine in question, or on any other legal cause according to the provisions of this law, and if it is presented before the termination of the act of possession.

ART. 74th.—No opposition shall be admitted unless the writing in which it is formulated shall express clearly and precisely the legal cause or motive on which it is founded, nor after the term prescribed in the preceding article.

ART. 75th.—In any case of controversy between two or more persons who may claim to have discovered any mine, he who may have registered his denouncement first shall be held to be the discoverer.

ART. 76th.—Whenever two or more denouncements are presented which apply to the same site or deposit, or to contiguous sites or deposits, the formalities shall proceed strictly in the order of the dates, and in the same order shall be given the measurements of the corresponding claims and the possession thereof to the denouncers.

ART. 77th.—If the opposition is presented during the term of the proclamations or publications, the proceedings in denouncement shall be suspended until the decision thereof is reached. If the opposition be presented later the proceedings shall continue until possession has been given to the denouncer, without prejudice of a decision upon the opposition, after this shall have been fully presented and at the proper time.

ART. 78th.—In all cases of opposition the Deputation shall at once summon the opposer and the denouncer, and shall endeavor to conciliate them and to avoid the contention; if it does not succeed in so doing the proofs that may be presented shall be received, and the necessary examination shall be made or ordered to be made within the term of twenty days, after which, and within the ten following days, a decision shall be made, such as may be deemed just.

ART. 79th.—A record shall be formed of everything relative to the opposition, in which shall be set down all the proceedings, and in which shall appear the proofs and the decision which may be rendered.

Circular of the Ministry of Public Works, October 17th, 1887.—All records must be carefully preserved and delivered from any Secretary to his successor, according to an exact inventory taken from the permanent register kept in each Deputation. All employees and the Deputies themselves are personally responsible in case of the loss of any records.

Circular of the Ministry of Public Works, November 23d, 1887.—1. The records are to include denouncements, petitions or writings of any kind that refer to the matter that gave origin to the proceedings. At the end of each document the date of its receipt must be carefully noted in words and figures and in immediate continuation the order that was made thereon.

2. All the documents of record are to be placed in rigorous order of their dates, without leaving open or vacant places of any kind; all blank lines must be filled up with dashes. Blots, erasures, or any other sign of the original paper having been altered, must be satisfactorily explained.

3. All orders or decrees must be covered by the signature of the Secretary and Deputies in legal form, and the persons who may sign the same will be directly responsible for the contents thereof.

ART. 80th.—In case of opposition to any denouncement, and in any other contention between persons, if any one of them does not agree to the decision made by the Mining Deputation, he shall so make manifest by writing or by an appearance in person; within the term of eight days after the same has been brought to his knowledge all of this shall be placed upon the record, and it shall be remitted to the court of first instance that has jurisdiction, and if there be several such courts to whichever one the opposer may choose.

Circular of the Ministry of Public Works, March 18th, 1887.—In all the proceedings in the matter of the denouncing of mines the first petition of record, the motions in law made by the interested parties, and all proceedings for the substantiation of a denouncement, are subject to the double stamps provided for in section 43 of article 4th, of the Stamp Law of September 15th, 1880. Periodicals, plans, and other similar and official papers of any kind are exempt. All other documents presented by way of proof or for information must be duly stamped.

ART. 81st.—After the expiration of the term of eight days, as fixed in the preceding article, there can be no such appeal, and the decision shall be held as agreed to and shall take effect irrevocably. If the appeal is made within said term the Deputation shall admit it, and shall remit the record to the proper judge, so that, being opened for

judgment and legally substantiated, the point or right in controversy may be definitively decided.

ART. 82d.—The same appeal may be interposed by any mine owner who may believe himself to be injured or prejudiced in his rights in the cases referred to in Articles 50, 60 and 73 of this Code, provided that he does so at the time of conferring possession on the denouncer.

ART. 83d.—Before the rendering of a judicial sentence contrary to the decision of the Mining Deputation, and notwithstanding the interposition of the appeal spoken of in the preceding articles, the decision of the Deputation shall be executed, as it is not allowable to suspend the working of a mine even though it may be in litigation.

ART. 84th.—The act of conferring possession shall be suspended only in case of the non-existence of the vein or deposit as denounced, or of there not being enough free ground for the giving of the proper claim or claims, and never because of any opposition that may be made, or contrary right that may be alleged; these shall only be made to appear on the record, preserving thereby the rights of the contrary party or opposer so that they may be separately deduced before the competent judges and tribunals.

ART. 85th.—While a decision is pending on a denouncement no other denouncement shall be admitted with regard to the same site, mine or deposit, not even one that is to be held as presented, and to be considered only in case the former one is not allowed.

ART. 86th.—The preceding prohibition includes the miner who made the denouncement and his partners. Neither he nor they can be allowed to present successive denouncements during the pendency of the proceedings and decision upon the first one.

ART. 87th.—The right acquired by any denouncer shall lapse if he does not have the workings open, or does not take possession within the terms designated by this Code or by the Mining Deputation, in conformity with the Articles 65th to 67th.

ART. 88th.—The aforesaid terms can be prolonged by the Mining Deputation for any just cause, and once only, by the concession of a second term, whose duration shall not exceed two months.

ART. 89th.—The ancient sites of metallurgical works, new sites for the establishment of the same, and abandoned works shall be denounceable, and may be awarded to the denouncer in the same manner and form as is established with respect to new or abandoned mines; the same directions are to be observed in case of opposition, or of contravention to the denouncement.

ART. 90th.—A metallurgical site or establishment for the beneficiation of ores shall be held as abandoned if the roofs, machinery, tools, and

serviceable timbers are totally wanting, even though the walls and massive constructions should still exist. Even without these circumstances a metallurgical works can be awarded to any one who may denounce it, if during three years no work at all has been done there, and if the owner, after a requisition from the Local Deputation, shall not re-establish the work within a proper term of not more than six months, which shall be conceded to him.

ART. 91st.—In the case referred to in the preceding article, as well as in that of the adjudication of a mine when denounced for abandonment or for forfeiture, incurred by non-observance of the rules established as to the manner of working, if the former possessor shall claim to have left at the mine or metallurgical works any exterior removable constructions made at his expense, such as sheds, machinery, or other things of the kind which the denouncer can use, and which he wishes to preserve, the latter shall pay the owners thereof, according to the appraisement of experts, appointed one by each party, and a third, in case of non-agreement, by the Deputation.

ART. 92d.—The denouncements of vacant ground between claims shall be entirely subject to the provisions of Title V., Articles 111th, 112th, 113th.

ART. 93d.—On the occurrence of a denouncement of a stream, or fall of water, to be employed in the working of mines or of metallurgical works, either for motive power or for the washing of the ore, said denouncement shall be admitted and established by the same formalities as those of mines, as well in case that said water was formerly used for the objects referred to (if now denounced as abandoned and deserted) as in the case that it has no known owner; in no case, however, shall there be motive for denouncement, neither for a forcible occupation on the pretext of public utility, in favor of the miner, in respect to waters of private property, which the owner thereof may be using, or may need for his own uses, or for that of his possessions or industries.

The property of a stream or fall of water shall be lost, and may be adjudged to the first denouncer, when it has not been utilized during twenty-six weeks, consecutive or interrupted, within the term of one year anterior to the denouncement.

The waters that have been used in metallurgical works are not denounceable unless such works have been abandoned.

Circular of the Ministry of Public Works, August 14th, 1886.—Waterfalls or streams of water, denounced and duly taken possession of for the establishment of new metallurgical works, cannot be denounced separately from the metallurgical works under construction, as the work in progress upon the latter completely protects the water-right.

ART. 94th.—The waste-heaps and the dumps of abandoned mines are not denounceable unless by denouncing at the same time the mines from which they proceed.

Neither are the slag-heaps and slime-pits of abandoned smelters and metallurgical works denounceable apart from the works themselves.

Circular of the Ministry of Public Works, December 16th, 1886.—It is forbidden to pick ore out of mines once worked but now abandoned; the ore so procured may be confiscated.

ART. 95th.—In every case in which the mine owner, after the conclusion of the formalities for the taking of possession of the mine or deposit, may need to occupy some part of the surface of the ground, either within or without his claims, in order to open mine entrances, establish workshops, roads, dams, aqueducts, or any other construction, in the exercise of the rights conceded to him by the Articles 12th to 15th of the Title I., or to utilize the superficial part of any deposit according to Article 98th of Title V., he may do so by consent of the Mining Deputation, when the ground is without an owner; if the land is either public or private property the miner must first pay the value of the area which he may occupy and the direct damage that may follow to the proprietor, without considering the value of the mineral, according to the valuation made by experts, who shall be appointed one by each party, and the third, in case of disagreement, by the Mining Deputation.

It shall not be allowable for any one, under pretext of the ownership of the land, to oppose the possession of any mine which is granted to a denouncer, nor the preparation of the workings and the formalities anterior to a possession.

ART. 96th.—In cases where there is no contention or opposition by other parties, the interested parties may appeal from the decisions of any Mining Deputation, or the functionaries that take its place, to the Secretary of Public Works, and ask a revocation thereof, but any such complaint must be presented and justified within one month from the date of being notified of the decision in question.

TITLE V.—Of the Dimensions that Mining Claims Should Have.

ART. 97th.—The claim or unit of measurement for mining concessions is a solid of indefinite profundity, limited on the exterior by the projection upon the surface of the ground of a horizontal square or rectangle and in the interior by four vertical planes which pass through its respective sides.

ART. 98th.—The dimensions of the square or rectangle, which is to serve as the upper base to the solid which constitutes the claim, are

fixed in the following articles after consideration of the nature and position of the deposit, with the understanding that the miner may exploit and profit by all the mineral substances that may exist within the interior of his claim, and that, after previously paying the value of the land, without consideration of the mineral that may be the object of the exploitation, he may also utilize that part of the deposit that may lie on the surface, and may occupy the ground which he may need for his operations and workings, according to the provisions of the Articles 12th to 15th of Title I.

ART. 99th.—The mining claim, or the conjunction of claims that constitutes any single concession, is indivisible between the owners of the same, as it also is in any case of transfer of the ownership of the said property by whatever title it may take place.

ART. 100th.—In concessions upon veins the upper base of the claim shall be a rectangle, of which two sides, parallel to the strike of the vein, shall always be 200 meters long on the level. The length of the other two sides, perpendicular to the first one, shall vary, with the inclination of the vein, between 100 and 300 meters, according to the principles which will be detailed in the following article, with the object that the miner shall, as a general rule, be able to exploit about 400 meters upon the vein in the direction of its dip.

ART. 101st.—When the vein is perpendicular, or when it has an inclination or dip of more than 85° , the transverse width shall be 100 meters, measured on either side of the vein, or divided between both sides as the mine-owner may desire, always provided that no detriment to third parties can result therefrom.

When the vein has less than 85° of dip the length of the transverse sides of any claim shall be measured in the direction of the dip, and shall be as laid down in the following table:

When the dip is between	The length of the transverse side shall be
85° and $75\frac{1}{2}^\circ$,	100 meters.
$75\frac{1}{2}^\circ$ and $72\frac{1}{2}^\circ$,	120 “
$72\frac{1}{2}^\circ$ and $69\frac{1}{2}^\circ$,	140 “
$69\frac{1}{2}^\circ$ and $66\frac{1}{2}^\circ$,	160 “
$66\frac{1}{2}^\circ$ and $63\frac{1}{4}^\circ$,	180 “
$63\frac{1}{4}^\circ$ and 60° ,	200 “
60° and $56\frac{3}{4}^\circ$,	220 “
$56\frac{3}{4}^\circ$ and $53\frac{1}{4}^\circ$,	240 “
$53\frac{1}{4}^\circ$ and $49\frac{1}{2}^\circ$,	260 “
$49\frac{1}{2}^\circ$ and $45\frac{1}{2}^\circ$,	280 “
$45\frac{1}{2}^\circ$ or less,	300 “

ART. 102d.—The measurement of the sides of the rectangle of the claim parallel to the strike of the vein may, in ground free from other mining possessions, be laid off to one or the other side of the exploratory workings referred to in Article 65, Title IV., as the mine-owner may desire.

ART. 103d.—When the vein has less than 85° of dip and the mine-owner petitions that some part of the transverse width that belongs to him shall be measured in a direction opposite to that of the dip, this may be allowed to him to the extent of 25 meters, always provided that no detriment to third parties can result therefrom. Only in case that, on account of there being another claim on the side of the dip of vein denounced, there shall not be room for the whole length of the whole transverse side, may there be measured more than 25 meters in a direction contrary to that of the dip.

ART. 104th.—For concessions upon placers of precious stones, of gold or of platinum and their accompanying metals, the upper face of the claim shall be a square of 20 meters on each side, which shall be measured horizontally and as the denouncer may direct.

ART. 105th.—For concessions upon beds or upon irregular deposits not specified in the preceding articles, the upper face of the claim shall be a square of 300 meters on each side, which shall be measured horizontally and laid out as the denouncer may desire.

If the deposit should be of iron, the upper face of the claim shall be a square of 500 meters on each side.

ART. 106th.—The demarcation of claims shall be done according to the following rules:

1st. The working or excavation referred to in Article 65 of Title IV. must be included within the boundaries of the claim.

2d. Whatever may be the irregularities of the ground, the horizontal projections of the sides of the rectangle or of the square, in their respective cases, shall have the length designated in the preceding articles; it is not allowable for any reason to measure off a fraction of a claim.

3d. All measurements must be made upon lands that are not occupied by any other mining property, so that no claim shall ever overlap that of any neighbor.

4th. When a concession consists of several claims, they shall be continuous and must be measured, one as the prolongation of the other, so that the concession shall be bounded by a square or a rectangle, even if it should be necessary to reduce the number of claims which ought to belong to any mine-owner in order to comply with this condition.

ART. 107th.—The experts must refer the courses of their measurements to the magnetic meridian, but shall note the variation of the magnetic needle, and shall insert the same in their plans whenever it is known in the place of their operations; they must, whenever possible, fix the position of the workings of exploration, that of a boundary corner or that of some one of the lines, by noting their distances from other fixed objects.

ART. 108th.—The angles of the rectangle or square of the concession shall be marked by solidly constructed landmarks which shall be distinguished from those of the neighboring owners by their form or by some sign.

ART. 109th.—These landmarks shall be immovable; the mine-owner must keep them in good condition, making the necessary repairs and abstaining from changing their place.

ART. 110th.—If any mine-owner observes that his vein has undergone any perceptible change in its strike or in its dip and wishes to alter his claims so as to bring them into correspondence with the changes observed, he may solicit new measurements from the Mining Deputation which may be conceded to him after previous examination and a report by an expert, if no detriment to third parties follows therefrom, and if such petition is presented before the end of one year from the giving of the first possession.

ART. 111th. If there should exist between two or more neighboring claims any piece of free land which is not sufficiently extensive to contain a claim, it shall constitute an overplus which can only be awarded to one of the adjoining mine-owners or divided between the claims which it separates.

ART. 112th.—If the overplus should be denounced by one of the mine-owners on account of having passed out of his claim and entered into the overplus with interior workings that have more than 100 meters of extension or of depth, the overplus shall be awarded to him as a whole.

Circular of the Minister of Public Works, October 5th, 1886.—The surplus ground comprehended between several claims is to be awarded to that mine-owner who has, in some subterranean working of more than 100 meters long, passed out of his own claim and entered within the surplus ground, even though his workings, should have only a small part of their length within the overplus. With respect to the one hundred meters of depth it is to be understood that the shaft or winze must have them; the gallery which is directed toward the overplus may

have any length, however small, but with the strict necessity of entering within the overplus.

ART. 113th.—If the overplus should be denounced before having been occupied in the interior by any workings, it shall be divided between the adjoining claims according to agreement between the owners thereof, or in default thereof, in equal parts; the costs of the measurement and possession shall be divided between the claims, proportionately to that part of the overplus which each one may receive.

ART. 114th.—In the case that any miner has so far advanced in his subterranean workings as to have passed out of the limits of his claim, whether along the strike or transversally, he may continue his workings whenever he is in free ground, and may acquire the same by denouncement; provided that no concession shall exceed more than double the measurement first granted, and that the mine-owner shall be obliged to remove his landmarks to the new limits.

ART. 115th.—If the necessities of the working of a mine, such as ventilation, drainage, etc., should oblige the owner to carry any of his workings into other claims, this shall be permitted whenever, in the opinion of an expert named by the Mining Deputation, the proposed working shall be useful and will not result in detriment to the adjoining mine-owner. Said workings shall be carried out entirely at the expense of the mine-owner in whose interest they are undertaken, and according to the conditions prescribed by the Mining Deputation in view of the report of the expert it may nominate.

ART. 116th.—If during the execution of the works referred to in the preceding article any ore or products of value should be encountered, the mine-owner carrying on the work shall be obliged to give notice at once to the Deputation and to the owner of the claim; he shall divide with the latter from then on the ores or products and the costs thereof in equal parts in case that the exploitation is profitable.

The above shall be done until the owner of the claim shall communicate his own workings with the workings that are in the ore; after such a communication is made the first mine-owner shall stop taking out ore from the claim of the other, and shall only proceed with the workings necessary for the convenience of his own mine, according to the authorization as extended to him in the preceding article.

ART. 117th.—When a mine-owner arrives at the boundary of his claim with any working that is yielding ores or products, he may continue onward even in another claim, being, however, obliged to give immediate notice to the Mining Deputation and to the owner of the claim, and thenceforward to divide with the latter the products and the

costs thereof in equal parts in case that the exploitation is profitable; all of which shall be done until the said owner shall communicate with the workings in ore.

If the mine-owner shall not give the notice provided for in this article and in the preceding, he shall pay the value of all the products or ores that he may have taken out of the strange claim without deduction of their cost, and shall be prohibited from continuing to utilize the part that might have belonged to him.

ART. 118th.—As soon as the communication referred to in the preceding article has been made, each miner shall keep within the limits of his claim, fixing on the dividing line, whenever necessary, a grating that will prevent the passage of the workmen but not obstruct the free circulation of the air.

TITLE VI.—Of the Manner of Working Mines.

ART. 119th.—Mines shall be worked according to the rules of the art and with subjection to the principles of this Title, but nevertheless the police regulations shall also be observed in so far as they relate to the works or workings which may be undertaken therein.

ART. 120th.—In the working of mines the following conditions shall be complied with :

1st. By natural or artificial means the necessary ventilation shall be maintained.

2d. The interior passages shall be sufficiently ample, and whenever the number of workmen shall exceed fifty there shall be not less than two passages that shall communicate with the exterior.

3d. Weak workings shall be strengthened with timber or mason-work, by constructing at convenient points such arches, bridges, pillars, and supports, as may be necessary to prevent any sliding down or caving in.

4th. In case of not preserving the natural pillars or supports of the deposit, which are ordinarily left to sustain the stopes, all such work of strengthening shall be done as may be necessary for the security of the mine itself and of the workmen therein.

5th. The workings and passages shall be kept clear, the rubbish being placed in the interior in the cavities that result from the stoping out of the deposit, or on the surface at points where it will not obstruct the public roads nor impede the flow of streams.

6th. When the exploitation of a mine calls for the drainage of its workings the same shall be maintained continuously.

ART. 121st.—To secure the fulfilment of these conditions, and of the police regulations relative to the workings of mines, the authorities will exercise proper vigilance by means of the Mining Deputations, of the mining engineers, or of any agents they may find it convenient to employ.

ART. 122d.—The Mining Deputations have the obligation to visit or to order examined whenever they may deem it necessary, or at least once in two years, the mines comprehended in their respective districts.

Circular of the Minister of Public Works, March 15th, 1887.—A copy of the report of the experts is to be sent to the Ministry of Public Works after any visit, biennial or extraordinary.

ART. 123d.—These visits may be made by the Mining Deputation accompanied by an expert, or it may order the expert to make them accompanied by a notary, or by two witnesses. In the report of the visits shall be made to appear the state in which the mine may be found, and also whatever may be observed relative to Article 120 of this Title. If any infractions are observed, the Mining Deputation shall give, in writing, the necessary warning to the owner of the mine to correct the same within a proper term, which shall be conceded to him.

Circular of the Ministry of Public Works, June 24th, 1887.—1st. The official visits to mines are of two kinds—biennial or ordinary, and extraordinary.

2d. Biennial visits shall be made every two years, commencing in the month of January; but only to those mines that have been under possession for more than six months, and which have not enjoyed any special protection during that time.

3d. Biennial visits are not to be made to any mine that is under protection (*amparo*).

4th. Biennial visits shall be made by an expert and two witnesses.

5th. The fees of the expert and witnesses must be paid by the mine-owner, but the Deputations are to see that an arrangement is entered into before the visits are made by which the fees therefor are levied according to the relative importance of each mine, and not with strict adherence to the schedule. The two witnesses should be taken from the mines themselves, in order to avoid paying them fees for distance travelled.

6th. The extraordinary visits are to be made whenever there is a well-founded rumor that any mine is not worked according to the law. In this case, the authorities that receive this intelligence shall communicate with the Ministry of Public Works, which will decide as to the necessity of the visit.

7th. The Ministry will decide whether the visit shall be made by an expert and two witnesses, or whether the Mining Deputation is to accompany the expert.

8th. Only in case the Ministry has ordered a Deputation to make an extraordinary visit can the Deputies charge fees for their visits.

9th. The experts must carefully note in their visits the state of fortification, etc., of the mine, and whether the regulations of police are duly complied with; also the state of the mine with respect to richness.

10th. The expert shall report to the Deputation as to what work is urgently needed in the mine, and the time it will take to perform the same, so that the Deputation may give the necessary orders, in accordance with Article 123d and the succeeding ones of the Mining Code now in force.

ART. 124th.—If the owner of the mine shall not comply with the warning of the Deputation by remedying the infractions which have been noticed, he shall be fined, according to the discretion thereof, and in proportion to the gravity of the infraction, from fifty to two hundred and fifty dollars for the first offence. If the disobedience is repeated the Deputation shall double the fine and order the partial or total suspension of the exploitation until the execution of the works that have been ordered.

ART. 125th.—If in the manner indicated, or by some complaint (in which case a visit to the mine shall be made in the same manner), it should appear that the infractions are serious, so that on account of them the prosecution of the work of mining is hindered, or the life or health of the workmen is imperilled, the Mining Deputation shall order such alterations as it may deem necessary, and may go so far as to cause, as a precautionary measure, the suspension of the workings in the whole mine, or in certain workings, according to the case in hand. If a suspension of the workings should be ordered, and if the owner does not correct the indicated evil within the term of six months, he shall lose the property of the mine, which may be awarded to whoever may denounce it under title of abandonment, according to the provisions of Article 50th.

ART. 126th.—If the parties interested in the mine are not conformable to the decisions of the Mining Deputation, they shall be executed notwithstanding, and the record shall be passed to the proper judicial authority for its decision according to justice.

The said authority, after hearing the interested parties and receiving from them the proofs they may render within a term of not more

than fifteen days, shall decide whatever may be proper, and from the decision so pronounced there shall be no recourse except that of responsibility.

ART. 127th.—In these cases, the decision shall be pronounced after citation to the functionary who ordered the suspension, and the proofs shall also be received after citation to the same; but if there should be a denouncer who asks the award of the mine, the suit shall follow the proceedings described in the Articles 70th, 71st, and 78th to 83d, of Title IV.

ART. 128th.—The direction of the interior and exterior works of any mine, the beneficiation of the ores, and the establishment, construction, and preservation of machinery, shall of necessity be committed to scientific or practical experts of known aptitude.

ART. 129th.—The accidents that, through unskilfulness, may happen in the exploitation of any mine or from the use of machinery, shall be upon the responsibility of the mine-owner when he does not employ graduated or practical experts, according to the preceding article.

ART. 130th.—In case mines are not directed by graduated mining experts in the places where they are to be had, the Mining Deputations shall take care that such experts intervene:

1st. In the laying out of important works, such as tunnels, working shafts, galleries of communication, etc., with the obligation to visit the work every one or two months, as its progress may demand, so as to avoid in time any error in the execution thereof.

2d. In the communications to be made with inundated workings or with those that contain mephitic gases.

3d. In the execution of workings near the surface that might endanger the security of buildings or inhabitants.

ART. 131st.—The administrators of mines shall give notice to the local Mining Deputation, or, in the proper case, to the executive or judicial authority, of the death, or of any serious accident to any workman, when it occurs within the mine, and also of any calamity that may occur therein, such as a cave-in, an inundation, a fire, etc.

ART. 132d.—Those mining enterprises whose workmen may exceed two hundred in number shall keep a medicine chest, and shall have in their employment a surgeon to make the first curations of the operatives in case of any accidents that may occur during the exploitation.

TITLE VII.—Of the Drainage of Mines, of Adventurer Tunnels and of Galleries of Exploration.

ART. 133d.—Mine-owners must continually maintain the drainage thereof by means of shafts or of tunnels, and by employing the adequate

resources and expedients of the art; so that if any mine-owner shall confine himself to the working of the upper of his mine levels without maintaining the drainage, the mine may be denounced according to the provisions of Articles 59th and 60th.

ART. 134th.—If the owner of any mine that has workings below those of the neighboring mines should be burdened with the costs of drainage because in the latter mines they do not maintain it at all, or do not maintain all that may be necessary, thereby allowing the water from such mines to flow to the deeper one, the said owner shall have a right to be indemnified by the owners of the mines thus benefited, who must contribute to the costs of drainage in proportion to the benefits they may receive.

ART. 135th.—The owners of any mines that may be completely drained shall deliver as indemnity to whoever keep up the drainage the tenth part of all the products they may extract from below the level that the experts shall designate beforehand.

ART. 136th.—If the drainage should not be complete, being only partially done, the compensation above mentioned shall be diminished more or less according to the estimate of experts, one named by each party, and a third, in case of discord, named by the Mining Deputation.

ART. 137th.—Mines that are newly opened at points where they may be benefited by the drainage already existing in other mines shall be subject to the provisions of the preceding Articles.

ART. 138th.—The provisions of the three preceding Articles shall only be enforced when the interested parties do not arrive at an agreement upon the point; but if there should be an agreement they must subject themselves to it.

ART. 139th.—If the opening of a tunnel would facilitate the drainage, exploration or exploitation of several mines opened upon any class of deposits, and if all the mine-owners or some of them, or an outsider, either alone or associated with various partners (even if none of these should be owners of any claims through which the tunnel must pass), shall offer to open said tunnel, the proposition of the party or parties, and the denouncement they must present, shall be admitted under the following conditions:

1st. That the work shall be possible and useful in the opinion of an expert named by the Mining Deputation.

2d. That the petition of denouncement shall be accompanied by a plan, formed by an expert, on which shall be marked the line of direction of the tunnel, the mining claims through which it is to pass, and also those that are within the distance of 100 meters on each side.

ART. 140th.—The denouncements for such tunnels shall follow the proceedings established for the acquisition of new mines, and the dimensions of their concessions in any portions of free ground shall be the following:

1st. If the adventurer tunnel is to be opened along a vein, the width of the rectangle shall be that which corresponds to the greater or lesser dip of the vein, according to the provisions of Article 101st, and its length shall be that of the tunnel itself.

2d. If the greater part of the tunnel is to be opened outside of any vein or deposit, the claim thereof shall be 100 meters wide, laid off in equal portions on each side of the line or lines marked for the tunnel, and the length shall be that of the tunnel itself.

In these parts of the lands where there are mines under possession, the vacant overpluses may be conceded to the adventurer, and his measurements may be permitted to cross other claims, always respecting the ownership of the same.

ART. 141st.—The mine-owner or the company that may undertake an adventurer tunnel must comply with the especial conditions which, with the assistance of an expert, the Mining Deputation shall lay down for the execution thereof at the time of giving possession. In the carrying out and especial protection of the work shall also be subject to the provisions of the preceding Titles.

The workings of such tunnels shall approximately follow the line or lines laid down in the concession; but if it should be more convenient for the parties that are carrying it out to vary the direction, they may petition therefor, and may be allowed to do so without detriment to third parties, after previously going through the proceedings of a new denouncement.

ART. 142d.—The owner or undertaker of an adventurer tunnel shall have a right to the following concessions:

1st. He may work, not only in vacant ground, but also within the claims of unoccupied mines, without injuring the security thereof.

2d. He may denounce, at the time of planning the tunnel or during its execution, and may acquire as many as five new or abandoned mines, each one with the claims allowed to a company, always provided that they shall not be more than 150 meters distant from the line of the tunnel.

3d. If during the execution of the tunnel new veins or deposits should be met with, the owner or undertaker may, after a previous denouncement, and the proceedings incident thereto, acquire three claims upon each one of the said veins or deposits, if working alone, and four

if working with a company, as also the whole of the overpluses wherever there may not be room for a complete claim.

4th. The concessions referred to in the preceding two sections shall be considered as annexed to the tunnel and as protected by the working thereof, but as soon as the tunnel is terminated each concession shall be worked separately.

ART. 143d.—When the tunnels have for their principal object the drainage of the mines, and where no agreement exists, the owner or undertaker shall receive the compensation expressed in the Articles 135th, 136th, and 137th of this Title, without abatement of their other prerogatives as adventurers.

ART. 144th.—If the proprietors of any tunnel should encounter ores in their workings in the claim of other owners, they shall be obliged to give immediate notice to the Deputation and to the owner of the claim, and to divide with the latter the ores and their cost in equal parts, always provided that the extraction thereof be profitable; this shall be done until the owner of the claim may break through and communicate with the tunnel workings, after which time the proprietors of the tunnel must cease to appropriate the ores so encountered.

ART. 145th.—If the adventurer or the proprietors of the tunnel shall not give, in proper time, the notice spoken of in the preceding Article, they shall pay to the owner of the claim, according to the valuation of experts, the entire value of the ores that they are ascertained to have taken out, without deduction of the costs thereof, and they shall be prohibited from continuing to appropriate the part that might have belonged to them.

ART. 146th.—If the tunnel should be utilized by any mines for transport and extraction, they shall pay the adventurer that which they may have agreed to do, or, if no agreement has been made, they shall deliver to him five per cent. of the ores they may take out through the tunnel.

ART. 147th.—Neither the owner of an adventurer tunnel, nor in general any other miner, shall have a right to be recompensed for the service of ventilation that he may afford to other mines by his works of communication.

ART. 148th.—When, in any mine, one or more shafts are fitted up with proper machinery to raise water to the surface, and thereby cause the general drainage of several mines, such shafts shall be considered (after a proper petition to the Mining Deputation, and after a favorable report from two experts that the latter shall appoint) as general shafts, and the galleries and drifts that lead away from the shafts shall be held as

adventurer tunnels, with all the rights and obligations of the latter, and may be continued onward even into outside claims.

ART. 149th.—Whenever a gallery of exploration or other working of common utility to various mines (even though it should not be for the purpose of drainage, and should have to be opened in the claims of other owners) is projected to start from a shaft or other subterraneous working, it may be allowed to be made if it should be really useful according to the opinion of two experts appointed by the Mining Deputation.

ART. 150th.—The conditions under which the works mentioned in the preceding article shall be executed, shall be those fixed for the adventurer tunnels.

The distribution of the expenses thereof, and of the ores or products between the several mines, shall be made according to agreement, and in default thereof proportionally according to the opinion of experts, applying the principles that refer to similar cases in adventurer tunnels.

TITLE VIII.—Of Mining Companies.

ART. 151st.—Any partnerships or companies that may be formed for working mines and metallurgical carrying on works shall be governed by the provisions of the Civil Code of the Federal District, in so far as the same may not be modified by the special provisions of this Code.

ART. 152d.—Every mine, whether made up of one or more claims, according to the title of concession, is indivisible in the sense of not being allowed to be broken up to be divided between distinct owners, and also in the sense that the partners in any mining company shall have no right to insist on exploiting, for their separate individual account, any particular claim or working of the mine or mines that form the object of the company; the work must be done in common, and the costs and products shall be divided according to agreement, and in the absence of this, proportionally to the stock represented by each person.

ART. 153d.—Every company formed for working mines may acquire, according to the provisions of Article 49th, by denouncement, four continuous claims upon the same vein or deposit.

Circular of the Ministry of Public Works, March 31st, 1886.—A proper contract of association or partnership must be formed and placed on public record before any mine can be denounced and its exploitation commenced by any mining company, and not afterward as has been the practice hitherto.

ART. 154th.—Every mining company must be constituted by a recorded contract as the necessary requisite for its validity.

ART. 155th.—The contract of the company must, of necessity, contain the name and domicile of each one of the partners, and the stock represented by each one, or the part he may have in the company; the latter will not be regarded as constituted without the above requisites.

ART. 156th.—In every mining partnership or company the mine shall be considered as divided into a certain number of shares, and each partner shall have a right to one or several of these, according to agreement.

ART. 157th.—Each one of the partners shall be free to dispose of the stock that he may represent, and the other partners shall have no right of preference for the same price.

Notice must be given to the director or manager of the company of the person to whom any stock has been transferred, except in case that the stock is represented by certificates in favor of the bearer.

ART. 158th.—The death of any partner shall not dissolve the company; it shall continue with his heirs, who may make use of the right conceded in the preceding article.

ART. 159th.—It is not necessary that the capital of any company formed for the exploitation of mines shall be fixed or designated.

ART. 160th.—In mining companies, the partners are only responsible up to the import or value of their shares, deducting therefrom what they may have contributed toward the exploitation, if a determinate value has been fixed for the shares at the time of constituting the company. In the contrary case, the partners shall not respond for the obligations contracted by the company except up to the value of the mine or business itself, including whatever may belong thereto.

ART. 161st.—Notwithstanding that a mine is a real and immovable thing (*real estate*) and subject, in this respect, to all the provisions of the Civil Code of the Federal District as to real estate, in whatever relates to its alienation or transfer of dominion, hypothecation, and the like, nevertheless, the shares in any mining company or partnership shall be held as movables (*personal property*) for all legal purposes.

ART. 162d.—The shares spoken of in the preceding article shall be represented by certificate, drawn to bearer or order, and transferable by simple endorsement, without the other stockholders having any right to be preferred as purchasers for an equal price.

ART. 163d.—If no stipulations are contained in the contract of partnership, the decision of any questions that may arise with relation to the exploitation, administration, etc., shall be made by the partners,

by the majority of votes ; but to pass any resolution that implies the alienation of the ownership of any mine a unanimous vote shall be required.

ART. 164th.—In the deliberations of such companies, the owner or owners of one share shall have one vote, and the owners of more than one share shall be considered in the voting with the representation that may correspond to the number of shares that they may have, but if one person should be the sole owner of one-half or more of the shares his vote shall always count for one less than the half.

ART. 165th.—In all cases where there is no decision on account of the equality of the votes, an appeal may be had to the Mining Deputation, which shall decide without further proofs than the knowledge of what has passed and been said in the meeting.

The resolution of the Deputation shall take into account the equity between the partners and the interest of mining.

ART. 166th.—In order that any meeting may be valid it should be preceded by a citation or convocation of all the shareholders, expressing the object of the meeting or the subject to be treated of, which shall be issued at least fifteen days in advance. The attendance of the majority, or of one more than the half of the shares is required, but if for want of such attendance a new citation should have to be issued the meeting may be held with the number of shares that are represented by the persons that may then attend.

ART. 167th.—The citation spoken of in the preceding article shall be made personally to the known shareholders that may reside in or have a representative in the place, and to the rest by means of the official newspaper of the district, if there should be one, and if there is none by means of that of the capital of the State.

ART. 168th.—Any partner who shall neglect to contribute that part of the expenses that corresponds to him, and who does not pay his assessment within the term of two months, shall lose his shares ; these shall be declared deserted, and the rest shall be proportionally augmented in the manner and with the conditions that are expressed in the following articles.

ART. 169th. To declare any share deserted, there must first be notice from the contributing shareholders, or from the director or administrator of the mine to the local Deputation, so that note may be taken of the date on which the owner of said share left off contributing ; the share may be declared vacant by said Deputation if two months pass without the contribution being made.

ART. 170th.—If it should not be shown that the stockholder has had notice of the assessment voted or asked for, and of the payment that fell to him to make, and that he has demurred or refused to make the same, the two months' time fixed in the preceding articles shall only commence after the shareholder has been notified by the Deputation of the obligation under which he rests and of the amount that he must contribute. If the person should not be known, or should be absent, the notification shall be made through the newspapers and for a term of fifteen days, as is provided for the citation for meetings or assemblies in Article 167th.

ART. 171st.—In case that the Deputation shall declare any shares deserted or lost, the shareholder, owner of the same, who is not conformable, may bring suit against the company that has asked for such declaration by application to the proper civil court, provided that he shall do so within fifteen days, counting from the time when he shall have been notified of the said declaration and not afterwards.

ART. 172d.—The partner whose shares have been declared deserted shall, in the absence of a contrary agreement, preserve only the right to the repayment of what he may have paid in. This repayment shall be made out of fifty per cent. of the net profits of the mine after the payment of all the expenses incurred by the remaining partners both before and after the desertion.

ART. 173d.—The partners, in the absence of any contrary agreement, shall not have any obligation to beneficiate their ores in common, nor to contribute for the purchase or establishment of metallurgical works. The division of the ore extracted between the partners, proportionally to the stock of each one, shall not be made until after every one has paid in the part that corresponds to him of the expenses of the mine.

ART. 174th.—The preceding rules and provisions shall only be applicable in the absence of an agreement; if others are adopted in the contract as formed, or in the respective statutes, the latter shall be enforced, but the provisions of Articles 152d, 154th, 155th, 156th, 158th and 161st of this Title are not renounceable, nor can they be altered or modified by private parties.

TITLE IX.—Of Contracts of Habilitation and of other Contracts in Relation to Mines.

ART. 175th.—The contract of habilitation may be made either by the habilitator acquiring a part in the mine, or as a simple loan or assistance; in either case the stipulations of the agreement shall be observed,

or, if such be wanting, the following rules, but the provisions of Articles 181st, 183d and 186th, cannot be modified or renounced.*

ART. 176th.—When the habilitation is so contracted for that the habilitator acquires a share in the mine, he shall preserve the same and the administration thereof while he maintains the habilitation. The net profits shall be used in the first place to pay off the debt of habilitation, and afterward they shall be divided between the owner and the habilitator in proportion to the part which each one of them may possess.

The habilitator or habilitators may terminate the habilitation whenever he or they may wish, losing in such a case that part of the mine which they had conditionally acquired and which shall return to the original owner or owners. The habilitator shall preserve the right to the repayment of what he may have paid as long as the property of the mine is not lost.

ART. 177th.—If the capital of habilitation is consumed, or only partly repaid, the miner shall not be obliged to repay it with his other property, but only with the net profits of the mine. Fifty per cent. of these, after payment of the latest habilitation, shall be destined to the payment of the former habilitators one after the other, commencing with the latest or newest, always provided that the capital shall have been spent in the exploration.

All the debts, charges and mortgages that any mine may have are extinguished in case that the property is lost for abandonment or for non-observance of the provisions of this Code and they shall not be recoverable when the mine is in the hands of a new owner.

ART. 178th.—Any habilitation contracted for as a loan, whether it earns interest or not, or with the condition of receiving the silver or products with some profit, shall be repaid only with the products of the mine, and shall not have any other security except these unless mortgages of other properties or of other securities have been given or especially stipulated for in the contract.

ART. 179th.—With the exception of workmen's wages due and unpaid the claim of the habilitator mentioned in the preceding article

* The contract of habilitation or "avio," is one by which any party binds himself to furnish provisions or money for working a mine. The habilitator or "aviador" is the person who furnishes such aid to the mine. "Barras aviadas" are shares in any mine that pay no assessments though they have their proportionate share of the profits; such shares are often called "barras viudas." The shares that pay assessments are often called "barras aviadoras." A barra is always the one twenty-fourth part of a mine. When the latter is divided into lesser fractions such shares are called "acciones" which may be "aviadas" or "aviadoras" as above.—*Trans.*

shall be preferred to any other claim that does not proceed from habilitation, provided the capital has been used in the mine; between several habilitators the preference shall be given to the latest, or to the last one of the preceding ones.

ART. 180th.—If the mine itself, and its machinery, stores, and other valuable things that form part of the business, should come to be attached and sold in execution, the provisions of the preceding articles shall be observed in favor of the habilitators, and as to the preference of their several claims among themselves, and with respect to the other creditors.

ART. 181st.—All contracts of habilitation must appear on public record; without this requisite they shall have no validity, nor can they produce any legal effects.

ART. 182d.—If the habilitation should be made for any fixed time, or if the habilitator should agree to advance any designated amount of capital to the miner, the former, in case of the suspension or cessation of the habilitation before the fulfilment of his agreement, shall lose the right to collect whatever sum he may have advanced, without abatement of the right that the miner shall have to demand the fulfilment of the contract and to seek another habilitator.

ART. 183d.—Any miner, to whom his habilitator does not advance the wages-money in proper time, may take and sell for the payment thereof, and notwithstanding any agreement to the contrary, all such goods or tools as may be easiest to realize on, and any loss that may be suffered shall be for account of the habilitator.

ART. 184th.—Any habilitator who does not manage the mine may put in an interventor, and the miner or owner may, in his turn, put in an interventor with the habilitator, if the latter has the management of the mine, and if according to the terms of the contract.

ART. 185th.—The interventors treated of in the preceding article shall not interfere with the management, and they shall confine themselves to watching and examining the operations, the books, and the accounts; they must give notice to the habilitator or to the owner, whichever they may represent, of everything that it may be to their interest to know, and in grave and urgent cases, when necessary to prevent some abuse or damage, they may notify the local Mining Deputation.

ART. 186th.—In any sales or contracts in respect to mines there shall not be, in any case, a right to the action of rescision on account of wrong, nor to the action of integral restitution.*

* The above actions are two old traps in Spanish law, especially dangerous to foreigners, which are hereby eliminated from the risks of mining.—*Trans.*

ART. 187th.—The system of payment by salary or days' wages, by division of the ore, or in any other way that may be adopted in mining enterprises, is a matter for private arrangement between the owners of the same and the employees or workmen, and all contracts relating thereto shall be governed by the provisions of the ordinary laws.

TITLE X.—Of Legal Proceedings in Mining Cases.

ART. 188th.—The Deputations must observe, in all that relates to the economical and administrative part of the legal proceedings in mining matters, the provisions as laid down in Titles IV. and VI. of this Code.

ART. 189th.—All lawsuits in mining matters shall be heard and definitely decided in the Federal District, in the Territory of Lower California and in each State, by the proper judges and tribunals thereof, and according to the local laws of proceedings, but always observing the rules laid down in the following articles.

ART. 190th.—The proceedings shall always be summary whenever the suit has not, by its proper nature, some especial or still shorter form by the law of the State in which the mine is situated, or by that of the Federal District or Territory in the proper case.

ART. 191st.—The work cannot be suspended in any mine or metallurgical works on account of any lawsuit, attachment or execution, but an interventor may be put in charge.

ART. 192d.—The machinery, tools, utensils, and provisions necessary to, or existing in any mine or metallurgical works, cannot be levied upon or attached separately from the business for any debt of the mine-owner; only for the payment of the wages of the workmen there may be taken and sold such of the above objects as are necessary and sufficient for that purpose.

ART. 193d.—In any case of attachment or of execution the products of any mine or metallurgical works shall be, by preference, used for the continuance of the workings.

ART. 194th.—In cases of bankruptcy, or of proceedings testamentary or intestate, if there should exist among the property any mine or metallurgical works, the continuance of the work therein shall be attended to by the judge, or by the representative of the creditors, or of the estate, and if the products of the said mine or metallurgical works shall not be sufficient for the work, and if all the interested parties do not present themselves to contribute thereto, any one of them may cover the expenses thereof, in which case he shall have the rights of a habilitator, with respect to what he may advance and invest for said object,

and for his original claim in the case of a creditor. If none of the interested parties shall contribute, an outside habilitator may be sought for.

ART. 195th.—Any creditor in execution shall have the right conceded in the preceding article if, when the products are not sufficient to continue the work and the possessor under execution does not provide for the same, said creditor shall offer to do so.

TITLE XI.—Of the Taxes upon Mining.

ART. 196th.—During the term of fifty years, counted from the date of this law, all mines of mineral coal of every kind, of iron and of quicksilver, and the products of the mines, shall be exempt from all direct taxes.

ART. 197th.—The circulation in the interior of the Republic of gold and silver, massive or coined, that of the rest of the metals and of all the products of the mines, shall be exempt from all imposts.

ART. 198th.—Quicksilver shall continue to be exempt from all import duties and from all direct taxation.

ART. 199th.—Besides the imposts for coinage and of exportation, already established or that may be established, such mines as are not excepted in Article 196th and the products thereof shall not pay more than one single direct tax, which shall be levied upon the value of the ore or substance under exploitation, without deduction of expenses, and which shall never exceed two per cent. of said value.

ART. 200th.—The direct tax treated of in the preceding article shall belong to the State in which the mine may be situated, or to the Federation when the mine is in the Federal District or in the Territory of Lower California; for this reason the amount of this tax, within the limit designated, shall be annually fixed by the Legislatures of the respective States, or, in the proper case, by the Congress of the Union, with consideration of the necessities of the public treasury and of the protection that should be afforded to mining.

ART. 201st.—Metallurgical works, or shops of any kind, shall only pay to the State in which they may be situated, or to the Federation if situated in the Federal District or in the Territory of Lower California, the same taxes which, in their respective districts, are levied upon other industrial establishments, without any difference.

ART. 202d.—The Federation shall receive, as is already established, 25 per cent. of the taxes which, according to the preceding articles, are levied by the States.

TITLE XII.—General Provisions.

ART. 203d.—It is the duty of the Mining Deputation, in addition to those that are especially designated in this Code, to watch over the exact observation and fulfilment of its instructions in the mines and metallurgical works of their respective districts, under the guidance and direction of the Ministry of Public Works.

In grave and urgent cases, which may not afford time to consult with said Ministry, the Deputation may decree, upon their own responsibility, such measures or precautions as they may deem necessary or timely for the preservation and regulation of the workings and operations in the mines, and the local authorities must lend them aid for the execution thereof, if it should be necessary.

ART. 204th.—The individuals that may compose any Mining Deputation shall be treated with all the consideration which, according to law, should be observed toward authorities and public functionaries; in case of any accusation against any Deputy on account of his office, the only tribunal competent to try him shall be that which has jurisdiction in cases against judges of first instance.

ART. 205th.—The Mining Deputies and the employees of the Deputations shall be responsible for any misdemeanors or abuses they may commit in the exercise of their functions, according to the provisions of the Penal Code of the Federal District.

ART. 206th.—For any minor offences that they may commit, and in cases of complaints for having delayed the dispatch of business unduly and without just cause, the individuals that form the Mining Deputations may be suspended and fined by the order of the Ministry of Public Works.

ART. 207th.—For the legal acts that the Deputations may perform, or in which they may intervene, they shall receive the fees that are fixed in the schedule prepared by the Ministry of Public Works.

ART. 208th.—The fees spoken of in the preceding Article, and those that the same schedule fixes for experts, shall be paid by the denouncers or promoters, but in case of any denouncement of a mine as being badly worked should prove to be well founded, and if the denouncer does not take possession because the owner or possessor may remedy the evil complained of within the term fixed for him to do so, the costs of the denouncement shall be satisfied by the said owner or possessor.

ART. 209th.—All proprietors or habilitators of mines must have, in the district in which is situated the mine that they own or are habilitating, in case they absent themselves therefrom, an agent or attorney duly

accredited, with whom the authorities may treat for all legal questions that may arise. In default of such agent or attorney, such proceedings shall go on and may be treated of with the administrator or person in charge of the business, if he is to be found; and in default of such person, with any one of the employees, without necessity of any citation to the owner.

ART. 210th.—The Executive shall, according to the Article 21st of the Constitution, designate the penalties to be incurred by those who may infringe the provisions of any regulations that he may prescribe for the application of this Code; he may empower the Mining Deputations or the functionaries who may fill their places, to impose the said penalties, when occasion offers.

ART. 211th.—All owners of mines or of metallurgical works are obliged to supply such data and statistics as may be required of them by the Deputations or by the functionaries that take the place thereof, according to the instructions that may be laid down by the Ministry of Public Works, or by the General Directory of Statistics. In case said persons do not furnish such data, they shall be subject to the penalties prescribed in the Regulations of Statistics.

TRANSITORY PROVISIONS.

ART. 212th.—All mining properties legally acquired before the date on which this present law commences to take effect, shall remain subsisting, even though they may be of substances or deposits not comprehended in this law, or though their claims should have measurements different from those now established.

ART. 213th.—If the properties acquired by denouncement previously to the date on which this law commences to be in force, should be of deposits or substances which, according to the Article 10th, belong to the owner of the soil, the parties to whom they may have been awarded as mines shall continue to possess them as heretofore, and, at this present time only, shall enjoy a special protection for two years, counted from the date on which this Code commences to be in force, so that within that term they may put their properties in exploitation; in case that, after said term has expired, such mines are abandoned, or the property therein is lost by forfeiture, the deposits in question shall thenceforward be considered as the property of the owner of the soil.

Any denouncements that may be presented before this Code commences to be in force, shall be decided according to the laws in force at

the time when they were presented, but the prescriptions of the present Code shall be observed in the proceedings.

ART. 214th.—Any mines that may be in exploitation or legally protected up to the time of the promulgation of this Code shall preserve the measurements they may have, even if their claims should be different from those hereby established; such measurements may be ratified if the interested parties should so solicit.

ART. 215th.—In all cases, to continue preserving the rights previously acquired it is a necessary condition that the possessor shall comply hereafter with the provisions of this Code, under the penalties established by the same.

ART. 216th.—The salt deposits which the Federation possesses on the coasts of the Republic, or at other points of the national territory, shall be worked according to such regulations as may be formed by the Minister of Public Works, always respecting the contracts of rental or other contracts that may have been made with respect to these deposits until the termination thereof.

In respect to such of the above deposits as may have been alienated by the National Government, their present possessors shall continue to hold them according to the terms of their respective contracts, and the owners of the soil in which such salt deposits may be found must respect all acquired rights.

ART. 217th.—Those States, whose taxes upon mines and their products, as also upon metallurgical works or establishments of any class, may not be regulated according to the provisions of Title XI. of this Code, shall make the necessary laws, so that the said taxes may be in accord with the provisions of said Title, after July 1st, 1885.

FINAL PROVISION.

ART. 218th.—This Code shall commence to be in force in the whole Republic on the first day of January, 1885; and from that time on, the Ordinances of Mining, of the 22d of May, 1783, as well as all other laws, decrees, and regulations of the Colonial epoch of the Federation, or of the States, upon the industry of mining, shall be abrogated, even in the parts not contrary to this Code.

For this purpose, I order that it shall be printed, published, circulated, and duly observed.

Given in the Palace of the Executive Power of the Union, in Mexico, November 22d, 1884.

MANUEL GONZALEZ.

To the Citizen Manuel Fernandez, Chief Officer in charge of the Ministry of Public Works.

And I communicate it to you for your knowledge, and for the proper purposes.

Liberty and Constitution.

M. FERNANDEZ,
Chief Officer.

MEXICO, November 22d, 1885.

To _____

MINISTRY OF STATE AND OF THE DISPATCH OF PUBLIC WORKS,
COLONIZATION, INDUSTRY AND COMMERCE,
OF THE MEXICAN REPUBLIC. }

SECTION FOURTH.

The President of the Republic has been pleased to direct to me the following decree:

MANUEL GONZALEZ, Constitutional President of the United States of Mexico, to all those to whom these presents may come.
KNOW YE:

That, by use of the constitutional faculty of the Executive and in conformity with the provisions of Article 25th of the Title II. of the Mining Code, I have thought it well to promulgate the following

REGULATIONS

For the Organization of the Mining Deputations and Schedule for the Levying of Fees and Dues.

CHAPTER I.—Of Miners.

ART. 1st.—All persons that know how to read and write, and who are inscribed in the book or register spoken of in Article 6th, shall be considered miners in any locality for the effect of being able to vote in the elections of Deputies of Mining. To be inscribed in said book the parties must have some of the following requisites:

I. For the term of one year before the date of the inscription they must have been owners or habilitators, in whole or in part, of one or various mines or metallurgical works.

II. They may be mining engineers or beneficiators of ores with one year of residence in the locality.

III. They may be persons that, having already been inscribed in some other Mining Deputation, may acquire property in that locality, even when they have not owned it for a whole year.

ART. 2d.—Such persons as are comprehended in the Section I. of the preceding article may be inscribed as miners in any locality if they themselves expressly ask for it; for this purpose they must present the proper petition therefor in writing to the Mining Deputation of the

place, together with the documents that prove their property, so that the Deputation may determine the matter.

ART. 3d.—The petitions for the inscription, referred to in the preceding article, can be made by an attorney, and it shall also be sufficient for the purpose to give a power, by letter duly signed in the presence of two well known witnesses.

ART. 4th.—Such persons as are comprehended in Section II. of Article 1st must present with their presents such documents as may be necessary to prove, in a legal manner, their residence in the locality for the time that is laid down in said section.

ART. 5th.—Such persons as are comprehended in Section III. of the same article shall accompany their petition by a certificate from the Deputation in which they were formerly inscribed, and with an evidence of their property in that locality.

ART. 6th.—In anticipation of the petitions treated of in the preceding articles, and of the resolutions that may be taken thereon, if favorable, a book shall be formed which shall be entitled, "For the Inscription of Miners of the Deputation of Mining of _____."

CHAPTER II.—Of the Deputations of Mining.

ART. 7th.—The Mining Deputations shall exercise such economical and governing faculties as are conceded to them in the Code of Mining, and are also obliged to supply such news and to render such reports as may be asked of them by the political or judicial authorities, or by the Ministry of Public Works.

ART. 8th.—The Mining Deputations shall exercise their functions under the immediate dependence and direction of the Ministry of Public Works.

ART. 9th.—For the present there shall be Mining Deputations in the places designated in Article 56th.

For the future, whenever a number of miners, or of Mining Deputations, may solicit it, or whenever new mining districts are discovered, the Ministry of Public Works may establish new Mining Deputations, defining their proper limits of jurisdiction; for this purpose, however, it is indispensable that there should be resident, in the chief place of the district in question, at least fifteen persons eligible to discharge the functions of Mining Deputies, which must be proven by the certificate of the first political authority of the place.

ART. 10th.—The limits of the jurisdictions of the Mining Deputations shall be conformable, as much as possible, to the political divis-

ions of the State, Federal District, or Territory in which they may be located.

ART. 11th.—The Mining Deputations shall be renewed by halves each year, and shall be composed of two proprietary deputies and four substitutes, directly elected by the miners that are inscribed in each locality.

ART. 12th.—The Mining Deputies and their substitutes shall not have any fixed salary, but shall receive such fees as are designated in Article 47th. The duration of these offices shall be two years, and the incumbents may be re-elected.

ART. 13th.—In order that the ordinary election may take place the Deputations in office shall send out the proper convocations therefor before the 15th day of November of each year, expressing therein the day, hour and place in which the election is to take place. The omission of what is here provided shall be punished by the Ministry of Public Works by a fine of from ten to fifty dollars, which shall be imposed on the Deputies that do not comply with this provision.

When it is intended to establish a new Mining Deputation, the order of the Ministry of Public Works relative thereto shall designate the date on which the President of the Town Council, or of the municipal corporation of the locality, must send out the convocation for the election and the day on which this is to take place.

As soon as the order of the Ministry of Public Works is received the President of the municipality, when it is proposed to establish a new Mining Deputation, shall send out the convocation, and from that time on and up to within three days prior to the election he shall have open a provisional register for the inscription of miners, in which note shall be taken of all such persons as may have a right to participate in the election, on account of possessing the qualifications that are expressed in Article 1st. The decrees of the municipal President are not questionable, whether he admits or refuses the petitions for inscription, but the Ministry of Public Works, at the petition of any person aggrieved, may punish the misdemeanors which the municipal President may commit in this respect by a fine of from ten to fifty dollars.

ART. 14th.—The ordinary election shall take place on the first day of December in every year, even though it should be a legal holiday, in those places where a Mining Deputation is already established. The election shall be presided over by the Deputy whose turn it may be; and two of the persons present, those that may be elected on the spot by a majority of the votes of the persons present, shall be made inspectors.

In each year there shall be elected, for the sake of a renewal, one Deputy and two substitutes.

Where there is no Mining Deputation, the first election for all its members shall take place under the presidency of the President of the municipality of the place in which the Deputation is to work, and at the end of the first year the first proprietary Deputy and the two first substitutes shall cease to hold office, unless they are re-elected.

ART. 15th.—To be a Mining Deputy, whether proprietary or substitute, the person must be an inscribed miner in that Deputation, a Mexican citizen in the exercise of his rights, and a resident of the place in which the Deputation is to work.

ART. 16th.—In these elections all the miners that are inscribed in the book referred to in Article 6th, have a right to take part, either personally or by an attorney, who must be a miner, if the said inscription has taken place at least three days before the election.

ART. 17th.—To have an election it is necessary that it must be attended by at least fifteen inscribed miners, or that this number of miners shall be represented at the meeting. If the election cannot be held for want of the proper number, it must be called anew, with at most ten days interval, until it is properly effected.

ART. 18th.—Each one of the miners shall have one vote and may represent (if he has a special authorization therefor, which may be by a power of attorney in form, or by a letter of power signed before two known witnesses) as many as four other miners, so that in no case can the representation of a single person consist of more than five votes. If any one of the persons present shall have more than five powers, his total representation shall be counted as five votes.

ART. 19th.—The election shall be held in separate actions; it shall be by ballot, and these shall be secretly counted. If on the first count it shall appear that no one has obtained an absolute majority the election shall be repeated between the two highest candidates until a majority is obtained. In any case of equality of the votes the election shall be once repeated, and if there should again result an equality of votes between two persons lots shall be cast to ascertain which one of the two is to be considered as elected. The person that presides at the election shall make the proper declaration of the elected persons, and the official certificate thereof shall be prepared, examined and approved by the signatures of the persons that may compose the board of election.

ART. 20th.—If any of the miners of the minority shall present a protest or allege that they will protest the nullity of the election, either

before the election or during the same, this circumstance shall be added to or set down in the certificate.

ART. 21st.—Copies of the certificate of election and of the protests, when there have been any, shall be authorized by the citizens that formed the board of election, and shall be sent to the Ministry of Public Works, and the parties elected shall be notified of their election, so that they can take possession of their offices on the first of January following.

ART. 22d.—In case that the election should be nullified by the Ministry of Public Works, the miners shall be convoked anew, so that the election can be repeated within a new term that must not be longer than ten days, but the said nullification shall not invalidate any acts of the Deputy or Deputies that may have entered into possession of their offices.

ART. 23d.—The office of Mining Deputy, whether proprietor or substitute, is not renounceable except for a proper cause shown before the Deputation; it is a motive to excuse any person if he has filled the office during the preceding two years.

ART. 24th.—When at the time of holding any ordinary election the Deputation is incomplete on account of the disability or entire lack of some proprietary or substitute Deputy, which vacancy has happened during the year, then there shall be elected, in addition to such Deputies as are to replace, according to law, those who may have completed their term, as many Deputies more as may be necessary to fill the vacancy or vacancies that may exist.

The person or persons so elected shall only retain their office for the time that is wanting for the conclusion of the period of two years which should have been served by the person that they have replaced.

ART. 25th.—In order that there may be no delay in the denouncements and in the other administrative business and simple formalities, the two proprietary Deputies shall take turns in the dispatch of business for periods of three months each one.

ART. 26th.—The graver or more important business that may present itself, such as acts of adjudication, protections and declarations, of desertion or of forfeiture, shall be dispatched by the two Deputies together; for this purpose they shall meet once a week and at other times whenever it may be necessary.

ART. 27th.—When the opinions of the two Deputies shall be at variance upon any business, they shall summon one of the substitutes, in the order of their election, in order that after due study of the point in question by the three persons, such a resolution may be arrived at as

the majority shall sustain; all three of the persons that may intervene should sign the decree, with such explanations as they may deem proper.

ART. 28th.—The Deputies shall consult with a legal adviser of their own free choice as to any doubts that may occur to them, whether as to the jurisdiction that they may or may not have in the business before them, or whether upon the proceedings that they should follow; but it shall not be obligatory upon the Deputies to follow the opinion of the legal adviser.

ART. 29th.—For the proper dispatch of such business as is of its jurisdiction, each Mining Deputation shall have a Secretary.

ART. 30th.—The Secretary shall enjoy a salary of six hundred dollars per annum, and will be appointed by the Ministry of Public Works, by the proposition of the Mining Deputies.

ART. 31st.—In order to be a Secretary of the Mining Deputations it is necessary to be a Mexican citizen in the exercise of his rights, and to have the practice and knowledge that are required for the dispatch of business in the opinion of the Deputation itself.

ART. 32d.—Without dispensing with the ordinary and extraordinary meetings that the Deputies may have, the Secretary shall keep his office open to the public during four hours of the day to receive therein denunciations and other motions of the miners.

ART. 33d.—The Deputies, Secretaries and experts may excuse themselves in any particular proceeding, but always for cause, and when they may do so according to the laws for the administration of justice in that locality. The point shall be settled by the Deputation itself, formed by the other proprietary Deputy and by the substitute to whom it may fall in turn, with the exclusion, for this case only, of the person of whom they may be treating.

ART. 34th.—The first Deputy shall be replaced by the second in the temporary or absolute incompetence of the first, and in place of the second Deputy the substitutes must be called, in the order of their election.

ART. 35th.—In the absence or incompetence of these last, those persons that may have been proprietary or substitute Deputies during the preceding year, or in preceding years, shall be summoned to act.

ART. 36th.—The substitutions provided in the two preceding Articles shall last, in the case of an absolute lack of the others, until a new election can be held according to Article 24th.

ART. 37th.—When the Secretary shall be absent temporarily and for less than one month, the Deputies may actuate with two witnesses, but if the absence of the Secretary, through sickness, leave of absence, or

absence is to last more than one month, a temporary Secretary can be appointed by the consent of the Ministry of Public Works, who shall only hold office during the absence of the permanent Secretary.

ART. 38th.—The members of the Mining Deputations, during the period for which they are elected, shall be excused from any other civic duty.

ART. 39th.—In each Deputation there shall be opened a book which shall be entitled: "Experts of the Mining Deputation of ——— such a place." This shall be formed from a list of the petitions of the interested parties, approved by the local Deputation, and shall contain an extract or copy of the accompanying proofs, the originals thereof being returned after verification of the copies.

ART. 40th.—All mining engineers, beneficiators or assayers of ores, civil engineers, mechanics, land surveyors and water surveyors, who may solicit the same shall be registered as scientific experts for the purpose of doing the business of their profession; these persons shall only be considered as practical experts for those branches that are not comprehended in their respective diplomas.

ART. 41st.—In conformity with the provisions of Article 26th of the Mining Code, the Deputations shall appoint from among the registered experts some graduated expert with whom they may consult upon the official business that may present itself.

ART. 42d.—In all suits between private parties the Mining Deputations must of preference appoint as experts in their respective branches such graduated experts as may be registered.

Only in the absence of such persons shall be appointed the most intelligent practical experts of the locality, in the opinion of the Deputation itself.

ART. 43d.—The Mining Deputations, in addition to the books for the inscription of miners and of experts, already mentioned, shall also open the following: One for elections; one for the registry of denouncements; one for the possessions of mines and metallurgical works; one for the protection to mines; one of the visits to mines; one for the copies of all records of proceedings remitted to the courts; and one for a general inventory of the archives.

ART. 44th.—Whenever the Mining Deputations shall make any decree by which any interested party may think himself aggrieved, he may, without derogation of the provisions of the Articles 80th and 96th of the Code of Mining, present his complaint, properly authenticated, to the Minister of Public Works, who must immediately send for a report upon the same from the Deputies whom the matter concerns and to

whom shall be sent the complaint and its proofs, either the originals or copies thereof.

ART. 45th.—The complaints spoken of in the preceding article can only be made and attended to within one month after the party has been notified of the order in question. When this term has been allowed to pass, or when the complaint is not accompanied by the proper proofs, it will be thrown out at once.

ART. 46th.—The Ministry of Public Works, in view of the accusation and of the reply and of the proofs, will decree according to the case in hand:

I. If a slight misdemeanor has been proven, a governmental fine shall be imposed upon the responsible party that shall not exceed one hundred dollars.

II. If the misdemeanor should be a grave one, the fine shall be from one hundred to five hundred dollars, and if any crime should be proven the papers shall be sent to the proper tribunal or court and the guilty party shall be consigned thereto, so that, after a previous trial, he may suffer the punishment that he may have incurred.

CHAPTER III.—Of the Fees that are to be Paid in Mining Proceedings.

ART. 47th.—The Mining Deputies shall have no right to receive fees except in the following cases:

I. For every rule or decree that they may dictate for the admission of denuncements, for the recording of any document, concession of protection, adjudication, etc., they may charge one dollar.

II. For their presence at meetings, two dollars for every hour or fraction of an hour that they may be so engaged.

III. For the possessions they may give of any mine, of whatever number of claims it may consist, or for that of any overplus or of any metallurgical works, five dollars.

IV. For any surface examination, whether of one or of several claims, of any overplus or of any metallurgical works, five dollars.

V. For inspections, visits or examinations in the interior, five dollars for each claim when the depth is not greater than 100 meters, and five dollars more for each 100 meters or fraction thereof more than 100 meters.

If the examination should extend to another or to other claims, one-half the fee as fixed above shall be added for each additional claim.

VI. For the leagues the Deputies may travel in order to practice the above formalities, they shall be paid one dollar for each league going and the same for the return.

ART. 48th.—The Secretaries of the Mining Deputations shall receive:

I. For authorizing any decree, extract of record or certificate of the Deputies, one dollar.

II. For countersigning the leaves that may be contained in the record, and the other documents that they may have to make an abstract of, at the rate of five cents a leaf.

III. For the composing and writing of records, decrees, acts, inspections, appearances, notifications, citations, abstracts, official letters, advertisements, extracts, etc., at the rate of twenty-five cents for every ten lines or fraction thereof in addition to the fees as designated in the Section I.

IV. For the writing, comparison and authorization of legal copies, certificates and other exact copies, at the rate of one dollar for every one hundred lines or fraction thereof, and the half of this when the copies are not legalized

V. For attending meetings, at the rate of one dollar for every hour or fraction thereof that he may be so occupied.

VI. For assistance at possessions and at exterior examinations, five dollars for each act, whether the examination be of an overplus of one or of several claims, or of a metallurgical works.

VII. For a search for records or for any other documents in the archives, at the rate of one dollar for each year whose archive is examined.

VIII. For the notifications or citations he may give by visiting the houses of the interested parties, fifty cents more than is allowed in Section III.

IX. For inspections and interior visits to the mines, and for the leagues he may travel, the same pay as to the Deputies.

X. For the copying of plans, five dollars for each one.

ART. 49th.—When for want of a Secretary the Deputies may actuate with witnesses, the Deputies shall receive the fees fixed for the Secretary, which shall be paid to the witnesses.

ART. 50th.—Graduated mining experts shall receive as follows, if no other agreement has been made:

I. For any examination of a vein or deposit that they may make in any new or old mine to mark its claims and for the report and plan of the same, five dollars for each concession of whatever number of claims. In addition they shall receive for the measurements they may make to mark the boundaries, at the rate of five cents for each meter that they may measure.

II. For the surveys they may make to mark the respective bounda-

ries of each mine, or to lay off the figures and perimeters of any over-plus, five dollars for the report and plan thereof, and in addition, five cents for each meter that they may measure.

III. For any interior visits or inspections, if they are simple visits without measurements, and for the report thereof, ten dollars for each claim when the depth does not exceed 100 meters, and ten dollars more for every additional 100 meters or fraction thereof. If the examination should include other claims, he shall also receive half of the fee designated in this Section for each additional claim.

IV. For the underground surveys they may make, at the rate of fifteen cents for each meter of hypotenuse.

V. For the making of any plans that are not of those mentioned in Sections I. and II., and in which they may have to calculate and lay down the horizontal and vertical projections, whether the survey be exterior or interior, fifteen cents for each meter; if the number of meters is very few, or the plan is of a simple nature, ten dollars shall be charged as a minimum.

VI. For each copy they may make of any plan before made, they shall receive the fourth part of the cost of the original plan, always provided that the minimum value of any copy shall be five dollars.

VII. For all written reports they may make upon matters of their profession, not of those comprehended in the sections I., II. and III., at the rate of one dollar for every twenty-five lines.

VIII. For attendance at meetings, two dollars per hour or fraction thereof that they may be so occupied.

IX. For the formation of estimates and valuations, in addition to the fees already designated they shall receive:

According to the value thereof, when they do not amount to one thousand dollars, ten dollars.

When the amount does not reach ten thousand dollars, in addition to the fees fixed in the foregoing paragraph, for the excess over one thousand dollars, five dollars per thousand.

When the amount of the estimates or valuations is over ten thousand dollars they shall receive, in addition to the fees fixed in the two preceding paragraphs, two dollars per thousand for the excess above ten thousand dollars.

X. If the expert is hindered in the execution of his work, he shall be paid ten dollars for each day that the interruption may last.

XI. For the work done for the measurement of waters, leveling and analogous operations, ten dollars for each half day or less of the time employed for such a purpose, in addition to the fees designated for surveys, reports, etc.

XII. For the leagues they may travel to fulfil the commissions that may be confided to them, at the rate of one dollar for every league going and the same for the return.

ART. 51st.—The graduated experts in beneficiation shall receive, if no other contract has been made, as follows:

I. For any work that they may do in metallurgical works, ten dollars a day.

II. For any other work that they may do, the same that is fixed for mining experts in the preceding article.

ART. 52d. The assayers of ores shall receive, unless there is a different contract:

I. For the assay of silver mixed with gold, three dollars.

II. For any assay in the dry way to determine a single substance, two dollars.

III. For an assay in the wet way, five dollars.

IV. For an analysis, fifty dollars.

ART. 53d.—In the case of a practical expert he shall receive the same fees as are fixed for the scientific ones in the preceding articles.

ART. 54th.—In any cases not foreseen in this schedule and where no agreement has been made, the fees shall be paid according to the appraisement of experts.

ART. 55th.—The fees fixed for the Deputies, Secretaries and experts shall be the same whether they are to be paid by individuals or by a company.

TRANSITORY PROVISIONS.

ART. 56th.—For the present and until the proper data can be obtained relative to the necessities of all the mining districts of the Republic, Mining Deputations shall be established at the following points:

Tasco, Zacualpan, Tlalpujahua, Angangueo, Pachuca, Zimapan, Cadereita, Guanajuato, Catorce, Zacatecas, Durango, Chihuahua, Batopilas, La Paz, Culiacan, Hermosillo, Alamos and Oaxaca.

As soon as the Deputations just designated are installed, each one of them shall report within fifteen days to the Ministry of Public Works as to the limits of jurisdiction which they deem for the public interest that they should embrace. While the Ministry is deliberating upon this matter the Deputations shall exercise their functions in the political district where they are situated.

ART. 57th.—The municipal authorities of the places which are named in the preceding Article shall send out a convocation before the next fifteenth of January, so that, in the place and at the hour that

may be named, there may assemble all such persons as, according to Article first of this regulation, are miners of their respective localities, for the purpose of electing on the first of February next the first Mining Deputation. All such persons as may be considered to have the right to vote must be registered before the twenty-eighth of the same January.

ART. 58th.—The persons that may be elected on the first of February next shall take immediate possession of their office. They shall protest before the municipal authority that they have presided at the election, that they will faithfully fulfill all the duties of their office.

ART. 59th.—As soon as the Mining Deputations are constituted they shall appoint a temporary Secretary and then shall propose to the Ministry of Public Works the person that is to hold this employment permanently.

ART. 60th.—The Mining Deputations that are elected on the fifteenth of February next shall receive from those authorities that have hitherto had charge of the proceedings in mining cases all the records relative thereto, forming an inventory thereof and extending the proper receipt therefor.

ART. 61st.—Of the proprietary and substitute Mining Deputies that are to be elected on the first of February next the first Deputy and the first and second substitutes shall hold office until the first of January, 1886; the second Deputy and the third and fourth substitutes shall continue in office until the first of January, 1887. The retiring Deputies shall be replaced by those that, according to Article fourteenth, are to be elected on the first of December of 1885 and 1886, unless they shall be re-elected.

For this purpose I order that this shall be printed, published, circulated and duly complied with.

Given in the Palace of the Executive Power of the Union, in Mexico, on the twenty-eighth of November of eighteen hundred and eighty-four.

MANUEL GONZALEZ.

To Citizen Manuel Fernandez, Chief Officer in charge of the Dispatch of the Ministry of Public Works.

And I communicate it to you for your knowledge and for the proper purposes.

Liberty and Constitution.

M. FERNANDEZ,
Chief Officer.

MEXICO, November 28th, 1884.

LAW OF THE 6TH OF JUNE, 1887.—Upon the Taxation of Mines and their Products and the Concession of Mining Territory.

MINISTRY OF THE STATE AND OF THE DISPATCH OF
PUBLIC WORKS, COLONIZATION, INDUSTRY AND
COMMERCE OF THE MEXICAN REPUBLIC. }

SECTION FIFTH.

The President of the Republic has seen fit to direct to me the following decree:

PORFIRIO DIAZ, Constitutional President of the United States of Mexico, to all the inhabitants thereof.

KNOW YE:

That the Congress of the Union has seen fit to decree as follows:

The Congress of the United States of Mexico decrees:

ART. 1st.—After the promulgation of this law the mines of stone coal, of all varieties; those of petroleum and those of iron and quicksilver and the products of the same; national iron, wrought or cast, in rods, bars, pigs, wire, beams, or rails; national quicksilver in liquid form, the product of the beneficiation of the ores whence it is extracted, shall be free from all federal, local, and municipal taxes, except stamp taxes.

ART. 2d.—Throughout the interior of the Republic the circulation of gold and silver, whether in the ore, massive or coined, that of all other metals, and that of all the products of the mines, shall be free from all excise duties, toll duties and from all other imposts, by whatever name they may be called.

ART. 3d.—Quicksilver of whatever origin shall be free from all charges, of whatever kind they may be.

ART. 4th. Such mines as are not excepted in Article 1st, and the products thereof shall only pay one single tax, in addition to the federal tax on coinage, which shall be computed upon the value of the ore or of the substances that may be exploited, without deduction of the expenses, and which shall never exceed two per cent. of said value.

ART. 5th.—The tax spoken of in the preceding Article shall belong to the State in which the mine may be situated, or to the Federation, when the mine happens to be in the Federal District or in the Territories. For this reason the amount thereof, within the limits that are

here designated, shall be fixed annually by the respective Legislatures of the States, or by the Congress of the Union in its case, with regard to the necessities of the Treasury and to the protection that should be accorded to mining.

ART. 6th.—Metallurgical works or shops of any kind, when they are in operation, shall pay to the State in which they may be situated or to the Federation, if they are situated in the Federal District or in the Territories, as the only tax, the limit whereof cannot be passed, up to six dollars per thousand, upon the value of the real estate and the machinery.

ART. 7th.—As is already established, the Federation shall receive the Federal twenty-five per cent. of the taxes which, according to the foregoing articles, are to be levied by the States.

ART. 8th.—Any other tax, by whatever name may be given to it, except that of stamps, upon the extraction, production, or profits of mines, upon the amount of ore treated, the production or the profits of metallurgical establishments, upon the capital invested in mines and in metallurgical works, or in the shares and bonds of mines, or of any kind of metallurgical works, and upon the transfer of ownership of mining property and of metallurgical works, or of the shares that relate to them, is absolutely prohibited by this present law.

ART. 9th.—It is forbidden to the States to levy taxes on denouncements, possessions, and other formalities necessary for the acquiring of mining property and of metallurgical works, or upon the organization of mining companies and the issuance of the stock or bonds thereof.

ART. 10th.—The Executive is authorized to form contracts for the granting of especial privileges and of ample concessions, without detriment to third parties, to any parties that may guarantee the investment of capital in the business of mining. The extent of the territory granted to such parties shall be in proportion to the amount of their capital, to the nature of the deposit and to the circumstances of the locality, all in accordance with the following general principles :

A. The duration of the privilege and especial concessions shall not exceed ten years in any case.

B. The minimum of capital to be invested shall be two hundred thousand dollars within five years.

C. This capital shall be exempt during ten years from all new Federal taxes except the stamp tax.

D. The maximum number of claims that can be conceded in ordinary cases shall be twenty, united or separated. Their number shall be graduated according to the regulations of the Ministry of Public Works

relative thereto, in proportion to the capital, to the nature of the deposit and to the circumstances of the locality. The enterprises shall have the most ample liberty to work in one or more claims, as they may see fit, with a minimum number of twenty workmen.

E. Only in case of the discovery or restoration of a mining district may the number of claims be increased, according to circumstances, up to one-half more than the number indicated in the preceding section.

F. The dimensions of the claims shall be subject to the provisions of the Mining Code now in force, except in the case of a gold placer, which, in the case of the enterprises included in this act, shall be considered as an irregular deposit.

G. Of the twenty claims spoken of in Section D and of the thirty of Section E, not more than ten shall be laid off on any single vein in the first case, and not more than twenty in the second case, whether continuously or interruptedly, as a maximum, except when there is only one vein in any mining district, in which case all the claims may be laid off thereon.

H. These concessions may be protected by the Ministry of Public Works in serious cases duly proven for two years, the maximum time that cannot be exceeded.

I. The above unprorogable and extraordinary protection shall not be conceded, whatever cause may be alleged, except for one single occasion; but in addition thereto others may be conceded, in conformity to the provisions of the Mining Code now in force. Neither the extraordinary protection nor those permitted by the Code shall be a motive in any case, to consider as prolonged the term of ten years stipulated in the contract of concession.

J. The Ministry of Public Works may authorize any such enterprises, in any case that it may deem proper, so that by its previous sanction they may subdivide and partially transfer the concessions made by these contracts, always provided that the new mining enterprises shall accept their proportion of the respective obligations.

K. At the expiration of the time stipulated in the corresponding contract all of these enterprises shall have the rights and obligations that the Mining Code now grants to companies.

ART. 11th.—During the term of ten years all establishments for wine-growing, silk-culture and pisciculture shall be free from all Federal taxes, except the stamp tax. In order to enjoy this exemption, such establishments must subject themselves to the conditions that will be fixed in the regulations relative thereto.

ART. 12th.—The Executive is authorized to contract with railroad companies for the reducing of freight charges upon the national products intended for exportation according to the following conditions:

A. The Executive shall annually designate in the Budget the quantity of money necessary to pay the sum that the companies are to receive for the services they may render according to this article.

B. The Ministers of the Treasury and of Public Works shall dictate, two months before each fiscal period, the proper measures, so that the exporters, in subjection thereto, may enjoy the advantages that are conceded to them.

C. Such products for exportation as are destined to enjoy the said reductions shall be divided into four classes, in which, according to the importance that they may continue acquiring, the Executive shall place them every two years, publishing the said classification with due anticipation.

TRANSITORY ARTICLE.

The provisions of this law relative to the taxes on mining in the States shall commence to take effect after the first of July, 1887. Therefore, the States must take such measures that it may have its due effect.

JESUS FUENTES MUNIZ,
Deputy President.

FELIX ROMERO,
Senator President.

ROBERTO NUNEZ,
Secretary of the Deputies.

ANTONIO ARGUINZONIS,
Secretary of the Senate.

MEXICO, May 25th, 1887.

Therefore, I order it to be printed, published, circulated and duly complied with.

Given in the Palace of the Executive Power, in Mexico, June 6th, 1887.

PORFIRIO DIAZ.

To General Carlos Pacheco, Secretary of State and for the Dispatch of Public Works, Colonization, Industry and Commerce. Present.

And I communicate it to you for your knowledge and the proper effects.

Liberty and Constitution.

PACHECO.

MEXICO, June 6th, 1887.

LAW OF THE 6th OF JUNE, 1887.—The Purchase of a Process for Beneficiating Ores.

MINISTRY OF PUBLIC WORKS, COLONIZATION,
INDUSTRY AND COMMERCE OF THE MEXICAN REPUBLIC. }

SECTION FIFTH.

The President of the Republic has seen fit to direct to me the following decree:

PORFIRIO DIAZ, Constitutional President of the United States of Mexico, to all their inhabitants.

KNOW YE:

That the Congress of the Union has seen fit to decree the following:
The Congress of the United States of Mexico decrees:

ART. 1st.—The Executive is hereby authorized to acquire by a contract of purchase or of use, a process for the beneficiation of ores that shall especially apply to those of gold and silver, and which shall fulfil the following conditions:

I. The loss in the treatment shall not exceed 2 per cent. of the contents of gold or silver in the ore.

II. The cost of the treatment shall not exceed three dollars for every ton of ore.

III. The cost of the machinery and apparatus to treat one thousand tons of ore per month shall not exceed \$6,000.

ART. 2d.—The Executive is equally authorized:

I. To concede an especial patent for any term, up to twenty-five years, to the inventor or enterprise that shall plant the said process in this country.

II. To concede to the same parties the introduction, free of duties for the time that the patent may last, and with due limitations, of the following articles:

a. Materials that are to be exclusively employed in the construction of the machinery and apparatus for the beneficiation.

b. Machinery and apparatus for the elaboration of the reagents that may be used in the process.

c. The reagents that are employed in the beneficiation, while they are not produced in this country in such quantity as is necessary for the needs of the process, according to the estimate previously made by the enterprise and approved by the Ministry of Public Works.

All such importations shall be subject to the rules and limitations that may be laid down by the Secretaries of the Treasury and of Public Works.

III. To concede to the enterprise an exemption from all taxes, except the stamp tax, during the twenty-five years, for all the capital that may be invested exclusively in machinery and in apparatus for the beneficiation and for the production of the necessary reagents.

ART. 3d.—To agree with the enterprise as to the highest royalties that it can charge for the use of its process, taking for a basis the economy that may be occasioned thereby.

ART. 4th.—At the time of granting the patent and of conceding the exemptions to which the preceding Articles refer, the Executive shall have power to stipulate that the Treasury shall receive a certain percentage, that he may consider just, of the royalties that the enterprise may collect from such persons as may make use of their process, and a like proportion of the profits that may result from the ores that they may work on their own account and for the account of other parties.

ART. 5th.—The Executive will be careful to stipulate:

I. That the apparatus and machinery shall be made in this country.

II. That the enterprise shall sell the same to any person who may solicit them for use in this Republic, at a price not to exceed that mentioned in Article 1st, and with the understanding that the cost of treatment and the loss of the precious metals shall not exceed that designated in the same Article, under the guarantee of the enterprise.

III. That the enterprise shall not charge for the use of the process, to any one who may wish to employ it in this country, any royalties except those designated in the contract.

ART. 6th.—In case that the Executive acquires the process by a contract of purchase, he must submit the same to the approval of Congress.

FELIX ROMERO,
Senator President.

J. FUENTES Y M.,
Deputy President.

ANTONIO ARGUINZONIS,
Senator Secretary.

JUAN BRIBIESCA,
Deputy Secretary.

MEXICO, MAY 26th, 1887.

Therefore I order it to be printed, published, circulated and duly complied with.

Given in the Palace of the Executive Power, in Mexico, June 6th, 1887.
PORFIRIO DIAZ.

To Citizen Gen. Carlos Pacheco, Secretary of State and for the Dispatch of Public Works.

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